

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 6, 2005

Mayor David Dermer
Vice-Mayor Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us on the Internet at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

- R5A An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights Of Way," Division 2 "Temporary Obstructions" Section 82-151 (C) (4), By Modifying Permit Fees, To Add An Alternative Permit Fee Based On A Certified Appraisal Of Market Value Of The Area To Be Closed Or Occupied, With The Applicant Paying The Higher Of The Fee As Specified In Appendix "A," Or The Fee Based On The Certified Appraisal Of Market Value; Providing For Repealer, Codification, Severability And An Effective Date. **10:20 a.m.**
Second Reading, Public Hearing (Page 160)
(Public Works)
(First Reading on June 8, 2005)
- R5B Mechanical Parking Lifts
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article III "Design Standards," Creating Section 130-72 "Mechanical Parking," Defining Mechanical Parking, And Prohibiting The Use Of Mechanical Parking To Satisfy Off-Street Parking Requirements; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading** (Page 167)
(Planning Department)

R5 - Ordinances (Continued)

- R5C An Ordinance Amending Chapter 12, Article II Of The Code Of The City Of Miami Beach, By Amending Section 12-5, "Special Events Permits," By Renumbering Such Section, And Clarifying And Amending The Definition, Procedures And Standards Applicable To Special Events; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading** (Page 174)
(Tourism & Cultural Development)
- R5D Development Regulations For Single-Family Lots Abutting A GC-Golf Course District
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Creating Section 142-109, "Development Regulations For Single-Family Lots Abutting A GC Golf Course District," Providing For Legal, Non-Conforming Status For Existing Structures, Rear Setbacks And Encroachments Into Easement Areas; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 183)
(Planning Department)

R7 - Resolutions

- R7A A Resolution Following A Duly Noticed Public Hearing On July 6, 2005, Approving The Proposed Uses Of The Edward Byrne Memorial Justice Assistance Grant Program Funds, In An Amount Not To Exceed \$125,000, For The Purchase Of Traditional Law Enforcement Equipment And Approved Technology; Further Appropriating The Grant Funds, If Approved And Accepted By The City, And Authorizing The Mayor, City Manager, And City Clerk To Execute Of All Necessary Documents Related To This Application. **10:15 a.m. Public Hearing** (Page 199)
(Grants Management)
- R7B A Resolution Adopting The Second Amendment To The General Fund Fiscal Year (FY) 2004/2005 Budget To Amend The City Attorney's Office Budget In The Amount Of \$240,000. (Page 206)
(City Attorney's Office)
- R7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Organizations Pursuant To Request For Proposals (RFP) No. 12-04/05 For The Administration And Management Of The City Of Miami Beach Log Cabin Training Center; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Organization Of Sunrise Community, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration. (Page 211)
(Neighborhood Services)

R7 - Resolutions (Continued)

- R7D A Resolution Authorizing The Issuance Of Not To Exceed \$60,000,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Taxable Special Obligation Refunding Bonds (Pension Funding Project), Series 2005, For The Principal Purposes Of, Together With Other Available Moneys: (I) Refunding Certain Outstanding City Of Miami Beach, Florida Taxable Special Obligation Bonds (Pension Funding Project), Series 1994; And (II) Making Any Required Termination Payment With Respect To A Hedge Agreement; Providing For The Rights And Security Of All Holders Of Bonds Issued Pursuant To This Resolution; Providing Certain Details Of The Bonds; Delegating Other Details And Matters In Connection With The Issuance Of The Bonds, The Refunding Of The Prior Bonds To Be Refunded And The Hedge Agreement To The Mayor, Within The Limitations And Restrictions Stated Herein; Appointing A Bond Registrar; Authorizing A Book-Entry Registration System For The Bonds; Authorizing The Negotiated Sale And Award By The Mayor Of The Bonds To The Underwriters, Within The Limitations And Restrictions Stated Herein; Approving The Form Of And Authorizing The Execution And Delivery Of A Bond Purchase Agreement; Approving The Form Of And Distribution Of A Preliminary Official Statement And Official Statement And Authorizing The Execution And Delivery Of The Official Statement; Covenanting To Provide Continuing Disclosure In Connection With The Bonds In Accordance With Securities And Exchange Commission Rule 15C2-12 And Authorizing The Execution And Delivery Of A Commitment With Respect Thereto; Authorizing The Refunding, Defeasance And Redemption Of The Bonds To Be Refunded; Approving The Form Of And Authorizing The Execution And Delivery Of An Escrow Deposit Agreement And Appointing An Escrow Agent; Approving The Form Of And, If Necessary, Authorizing The Execution And Delivery Of An Auction Agent Agreement And The Appointment Of An Auction Agent; Creating Certain Funds And Accounts And Providing For The Application Of The Proceeds Of The Bonds; Providing For A Bond Insurance Policy For The Bonds; Providing For The Deposit Of A Reserve Account Insurance Policy To The Credit Of The Debt Service Reserve Account And Approving The Form Of And Authorizing The Execution And Delivery Of A Guaranty Agreement With The Provider Thereof; Providing Covenants For The Provider Of Such Credit Facility And Reserve Account Insurance Policy; Providing For A Surety Bond For The Hedge Agreement If Not Terminated Or Assigned; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date. (Page 220)
(Finance Department)
- R7E A Resolution Approving A Settlement Agreement And Release Between The City Of Miami Beach And St. Paul Travelers, On Behalf Of Itself And Of Regosa Engineering, Inc., In Full And Final Settlement Of All City Claims For Damages Against Both Entities For The Scope Of Work For The Pool Portion Of The Normandy Isle Park And Pool Improvement Project; Accepting Payment, In The Amount Of \$475,000.00; And Appropriating Said Amount To Provide Sufficient Funding To Complete The Project. (Page 233)
(Capital Improvement Projects)
- R7F A Resolution Amending The City's Special Event Permit Requirements And Guidelines, As Originally Adopted Pursuant To Resolution No. 2001-24341, April 18, 2001. (Page 250)
(Tourism & Cultural Development)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page 314)
(City Clerk's Office)
- R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 320)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding The Status Of Miami Beach Senior High School Construction. (Page 322)
(Requested by Commissioner Matti Herrera Bower)
- R9D Discussion Regarding An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," Section 118-197, "Review Of Conditional Uses," And Article X, "Historic Preservation," Section 118-537, "Rehearings And Appeals," To Amend The Procedures By Which Appeals Are Taken From Certain Decisions Of The City's Planning Board And Historic Preservation Board, By Providing That Appeals From Such Boards Be Taken First To The City Commission; Providing For Codification, Repealer, Severability And An Effective Date.
(Page 324)
(Requested by Commissioner Simon Cruz)
(Deferred from June 8, 2005)
- R9E Discussion Regarding A Resolution Urging The United States Army Corps Of Engineers (ACOE) To Select, As An Alternative In Its Modified Waters Delivery Project, An Elevated 11 Mile "Skyway" Over The Tamiami Trail To Support The Restoration Of The Everglades And Directing City Representatives To Submit Letters To The ACOE And To The Miami-Dade Metropolitan Planning Organization Recommending The City's Position. (Page 330)
(Requested by Matti Herrera Bower)
- R9F Review An Appeal By Miami Beach Hotel Investors, LLC, (Affected Entity), Petitioner Of An Order Of The Design Review Board Requested By Hotelarama Associates, LTD, Pertaining To DRB File No. 17369, Which Extended The Time To Obtain A Building Permit For A Previously Approved Project.
10:30 a.m. Public Hearing (Page 344)
(City Clerk's Office)

R10 - City Attorney Reports**R10A Notice Of Attorney-Client Session (Page 349)**

Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

Club Madonna, Inc. V. City Of Miami Beach U.S. District Court, Southern District Of Florida, Case No. 05-21213 CIV-MOORE

Ell-Gee, Inc., Club Madonna, And Leroy Griffith V. City Of Miami Beach, 11th Judicial Circuit Case No. 04-3023-CA23

Therefore, A Private Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On July 6, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation. The Specific Time Period For And The Commencement Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Opening Of The Attorney-Client Session. The Termination Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Re-Opening Of The Commission Meeting After The Lunch Recess.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Don Papy, First Assistant City Attorney Gary Held And Senior Assistant City Attorney Roberto Datorre.

R10B Notice Of Attorney-Client Session (Page 351)

Pursuant To Section 286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

City Of Miami Beach, A Florida Municipal Corporation Vs. Miami-Dade County, Micky Biss And USA Express, Inc. District Court Of Appeal, Third District, Case No. 3D04-1589, Lower Tribunal No. 03-682 AP

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On July 6, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matter.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora J. Turner And Gary Held.

Reports and Informational Items

- A City Attorney's Status Report. (Page 354)
(City Attorney's Office)
- B Parking Status Report. (Page 358)
(Parking Department)
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2. (Page 398)
(Capital Improvement Projects)
- D Status Report On The Construction Of Fire Station No. 4. (Page 400)
(Capital Improvement Projects)
- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 402)
(Procurement)
- F Report By The City's State Representatives On The 2005 Florida Legislative Session. (Page 404)
(Economic Development)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
<http://ci.miami-beach.fl.us>



OFFICE OF THE CITY CLERK

HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website which is - <http://ci.miami-beach.fl.us>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, with the approval of the City Commission, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the agenda, there will be a period of fifteen minutes total allocated at the commencement of the Commission Meeting at 9:00 a.m. when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor and the City Commission. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes.



CITY OF MIAMI BEACH

2005 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

Commission Meetings

January 12 (Wednesday)

February 2 (Wednesday)

February 23 (Wednesday)

March 16 (Wednesday)

April 20 (Wednesday)

May 18 (Wednesday)

June 8 (Wednesday)

July 6 (Wednesday)

July 27 (Wednesday)

September 7 (Wednesday)

October 19 (Wednesday)

November 2* (Wednesday)

November 16* (Wednesday)

December 7 (Wednesday)

"Alternate" Commission Meetings

May 25 (Wednesday)

September 14 (Wednesday)

October 26 (Wednesday)

December 14 (Wednesday)

* Election related items only.

The "alternate" City Commission meeting date have been reserved to give the Mayor and City Commission the flexibility to carry over a Commission Agenda item(s) to the "alternate" meeting date, if necessary. Any Agenda item(s) carried over will be posted on the City's website, aired on Government Channel 20, or you may call the City Clerk's at (305)673-7411.

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

Ordinance amending the Temporary Obstructions of Public Rights-of-Way Section of the City Code, to apply an alternative permit fee based on market value of adjacent properties.

Issue:

Shall City Code Section 82-151 (c) (4) be amended to include an alternative to the specified fee for the use of public rights-of-way?

Item Summary/Recommendation:

Currently, for temporary obstructions of the public rights-of-way, the City Code requires a \$30 base fee per permit application plus \$0.25 per linear foot of street obstructed per day, regardless of width of the right-of-way to be closed to public access.

The existing permit fees for temporary obstructions of public rights-of-way are comparable to current rental value of private property discounted for right-of-ways up to nine feet (9'). However, whenever the temporary obstruction is wider than 9', the current permit fees are not comparable to the appraised value of land discounted for right-of-way use.

By the amendment to this ordinance an alternative fee option is being proposed to be applied by the Public Works Department for temporary obstructions of the public right-of-way. This proposal takes into consideration the market value of the right-of-way being used by developers and/or builders and would provide a more equitable use fee. The Ordinance requires the higher of the two fee options to be imposed.

Adopt the Ordinance.

Advisory Board Recommendation:

Financial Information:

Source of Funds:		Amount	Account	Approved
<div><div></div><div>Finance Dept.</div></div>	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Robert Halfhill, Public Works 6833

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2005\Jul0605\Consent\ROW Permit Fee Sum.doc

AGENDA ITEM

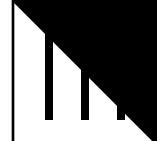
RSA

DATE

7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez /
City Manager

SECOND READING
PUBLIC HEARING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 82, "PUBLIC PROPERTY" ARTICLE IV, "USES IN PUBLIC RIGHTS OF WAY" DIVISION 2 "TEMPORARY OBSTRUCTIONS" SECTION 82-151 (c)(4), BY MODIFYING PERMITS FEES, TO ADD AN ALTERNATIVE PERMIT FEE BASED ON A CERTIFIED APPRAISAL OF MARKET VALUE OF THE AREA TO BE CLOSED OR OCCUPIED, WITH THE APPLICANT PAYING THE HIGHER OF THE FEE AS SPECIFIED IN APPENDIX "A", OR THE FEE BASED ON THE CERTIFIED APPRAISAL OF THE MARKET VALUE: PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

ANALYSIS

The City Code requires a fee to accompany each application for a permit to obstruct or use the City streets. These fees which amount to a \$30 base fee per application plus \$0.25 per linear foot of street obstructed per day were determined in Ordinance # 92-2795 passed and adopted on September 16, 1992.

The City has applied this permit fee to private developments who have requested the use of adjacent streets and/or sidewalks during the construction of their project. The usual blockages of right-of-ways have been ranging from blocking the width of a sidewalk on one side of a street to blocking a full lane or two in addition to a sidewalk, and for durations as long as eighteen months.

As the area of right-of-way affected and the duration of usage by these developments have increased, especially in areas where land is of prime value, obstructions and disruptions to the public and traffic has been significant. The developments are making full use of their lot coverage in these prime areas resulting in requiring the use of larger areas of the right-of-way for extended periods during the construction of the development.

Under such circumstances, it has been determined that the permit fees charged by the City for the use or obstruction of right-of-way are not equitable with the fair market rental values of the real property. If a developer needed to rent an abutting privately owned real property for a year, the rental of such property would be at the fair market rental value.

Appraisal First Inc. in an appraisal report of right-of-way property located at South Pointe Drive and Ocean Drive concluded that a fair market rental value for this right-of-way would be \$10.53 per square foot, or \$0.26 per linear foot of a 9 foot wide right-of-way. The table below illustrates that the existing permit fee structure of \$0.25 per linear foot is equitable to the estimated fair market value of single travel or parking lane.

Length	Width	Square Ft.	Rate	Unit of Measure	Term (days)	Annual Rent
457	9	4,113	\$10.53	Square Ft.	NA	\$43,309.89
457	9	NA	\$.25	Linear Ft.	365	\$41,701.25

However, when the \$0.25 per linear foot rate is applied to a situation where multiple lanes or a wider than 9 foot right-of-way are rented the disparity becomes evident. The table below illustrates how the annual rent calculated using the current fee of \$0.25 per linear foot would be below the appraised fair market value.

Length	Width	Square Ft.	Rate	Unit of Measure	Term (days)	Annual Rent
457	23	10,051	\$10.53	Square Ft.	NA	\$110,680.83
457	23	NA	\$.25	Linear Ft.	365	\$41,701.25

Following submittal of the application, the Public Works Department shall determine the final permit fee, which shall be the higher of (a) a fee as specified in Appendix A, or (b) the market value of the area to be closed or occupied, pursuant to a certified appraisal.

FISCAL IMPACT

The proposed Ordinance would provide compensation for the use of public land comparable to the fair market value of private land discounted for right-of-way use.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the proposed Ordinance Amendment.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 82, "PUBLIC PROPERTY," ARTICLE IV, "USES IN PUBLIC RIGHTS OF WAY," DIVISION 2 "TEMPORARY OBSTRUCTIONS" SECTION 82-151(c)(4), BY MODIFYING PERMIT FEES, TO ADD AN ALTERNATIVE PERMIT FEE BASED ON A CERTIFIED APPRAISAL OF MARKET VALUE OF THE AREA TO BE CLOSED OR OCCUPIED, WITH THE APPLICANT PAYING THE HIGHER OF THE FEE AS SPECIFIED IN APPENDIX "A", OR THE FEE BASED ON THE CERTIFIED APPRAISAL OF MARKET VALUE; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Code requires a fee to accompany each application for a permit to obstruct or use the City streets in the amount of \$30 base fee per application plus \$0.25 per linear foot of street obstructed per day, as per Ordinance #92-2795 passed and adopted on September 16, 1992 ; and

WHEREAS, at the time that Ordinance was adopted, the fees per linear foot applied only to a street closure or occupation of moderate impact to traffic and the public; and

WHEREAS, the construction of large developments making full use of their lot coverage in high density commercial and residential areas has resulted in wider and more extended use of the right-of-way during the construction of the development; and

WHEREAS, the City has determined that charging a permit fee based on linear footage does not represent a fair and equitable market value for the ground usage for extended periods and wider areas of the right-of-way, specially in areas where land is of prime value, and obstructions and disruptions to the public and traffic are significant; and

WHEREAS, the Administration recommends this Ordinance be adopted to provide an alternative to the scheduled fees in the City Code in the event that an application is presented to Public Works where it is appropriate, based upon the above premises, to require a fee based on the fair market value of the public property being occupied, which market value-based fee shall be paid if higher than the fee as specified in Appendix A.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 82, "Public Property", Article IV, "Uses in Public Rights-of-Way", Division 2 "Temporary Obstructions", Section 82-151 (c) (4) of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Section 82-151

* * *

(c) Permit requirements. Permits for temporary obstruction of the public right-of-way shall be issued within ten days of the filing of a completed application and upon completion of the following requirements:

* * *

(4) A fee as specified in appendix A shall accompany each application. Additionally any cost for obstructing of metered parking spaces will be determined as a separate cost by the metered parking director and must be deposited with the city prior to issuance of a permit. Following submittal of the application, the Public Works Department shall determine the final permit fee, which shall be the higher of (a) a fee as specified in Appendix A, or (b) the market value of the area to be closed or occupied, pursuant to a certified appraisal. The applicant shall pay prior to permit issuance any additional permit fee required if the final permit fee based on market value is higher than the fee as specified in Appendix A.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.


PASSED AND ADOPTED this ____ day of _____, 2005.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6-13-05
Date

First Reading: May 18, 2005
Second Reading: July 6, 2005

Underscore denotes new language

6/13/2005

T:\AGENDA\2005\Jul0605\Regular\ROW Permit Fee Ordinance.rev.doc



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 6, 2005**, to consider the following:

10:15 A.M.

A Resolution Setting A Public Hearing On The Proposed Uses Of The Edward Byrne Memorial Justice Assistance Grant Funds; Further Granting Retroactive Approval For The City Manager Or His Designee To Submit A Grant Application For Said Grant; Further Appropriating The Grant Funds If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

* 10:20 A.M.

An Ordinance Amending The Use Of Public Property Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights Of Way," Division 2 "Temporary Obstructions" Section 82-151 (C) (4), To Apply An Alternative Permit Fee Based On Market Value Of Adjacent Properties Instead Of The Specified Fee From Appendix "A," If Public Works Department Determines That The Temporary Use, Closure Or Occupation Of The Right-Of-Way Will Disrupt, Hinder Or Impede Public Access Or Use Of The Right-Of-Way.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #315

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article III "Design Standards," Creating Section 130-72 "Mechanical Parking," Defining Mechanical Parking, And Prohibiting The Use Of Mechanical Parking To Satisfy Off-Street Parking Requirements.

Issue:

Amendment to the Off Street Parking Section of the City Code, prohibiting mechanical parking from being used to satisfy requirements for off-street parking.

Item Summary/Recommendation:

The proposed ordinance was referred to the Planning Board by the City Commission on July 28, 2004.

The Planning Board held several discussions on issues relating to mechanical parking lifts, robotic parking garages, etc. Consensus has not been reached on the varying aspects of this subject.

However, the Planning Board did review and recommend for approval the attached ordinance. The ordinance defines mechanical parking lifts and robotic parking, and specifies that these mechanical parking devices may not be used to satisfy the requirements of the City Code with respect to off-street parking. Planning Department staff believes that by using mechanical parking, developers are able to increase the density and intensity of new projects, which is contrary to the policies of the City.

The Planning Board has requested further study of the issue of robotic parking garages and mechanical lifts, to see if they can be utilized to enhance the design of buildings without resulting in increases in density and intensity.

Advisory Board Recommendation:

The Planning Board reviewed the proposed Ordinance, with a favorable recommendation to the City Commission, on May 24, 2005.

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Jorge Gomez or Richard Lorber

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2005\Jul\0605\Regular\1681 - mechanical parking lifts summary.doc

AGENDA ITEM R5B
DATE 7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

FIRST READING

**Subject: MECHANICAL PARKING LIFTS
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT
REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 130 "OFF-
STREET PARKING," ARTICLE III "DESIGN STANDARDS," CREATING SECTION
130-72 "MECHANICAL PARKING," DEFINING MECHANICAL PARKING, AND
PROHIBITING THE USE OF MECHANICAL PARKING TO SATISFY OFF-STREET
PARKING REQUIREMENTS; PROVIDING FOR REPEALER; CODIFICATION;
SEVERABILITY AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on First Reading and schedule a Second Reading Public Hearing.

BACKGROUND

A proposed ordinance prohibiting mechanical parking lifts as a means to meet required off-street parking was referred to the Planning Board by the City Commission on July 28, 2004.

The Planning Board has subsequently discussed this matter on several occasions. Consensus has not been reached on all aspects of the issue, and the Planning Board has requested further study of the issue. However, the original referral from the City Commission is still pending, and was recently addressed by the Board. At this time, a limited ordinance is presented to the Commission, which encompasses only the original referral. The Planning Board has asked to address other aspects of this important subject at a later date.

ANALYSIS

The ordinance before the City Commission today defines mechanical parking lifts and robotic parking, and stipulates that neither type of mechanical parking should be permitted to be used to satisfy Code required off-street parking requirements.

The regulations governing off-street parking spaces are contained in Chapter 130 of the City Code. Sections 130-61 through 130-65 of Article II "Design Standards" govern off-street parking space dimensions, drainage and maintenance, interior aisles, drives and marking, respectively. These sections clearly delineate the requirements for parking space dimensions and layout.

In recent months, several inquiries have been made to the Planning Department regarding the permissibility of mechanical parking lifts, to be used within parking garages for developments being constructed in Miami Beach. Since the City Code does not make provision for mechanical lifts, and such spaces created by the lifts would not be in strict conformity with the parking design standards

in the Code, requests for mechanical lifts have been directed to the Board of Adjustment as variance applications. In the past year, three applications for lifts have gone to the Board of Adjustment, and all three were denied by the Board, after receiving recommendations for denial by Planning Department staff.

The Planning Department has been concerned that the approval of mechanical parking lifts could set a precedent, and trigger a wave of such requests, which could have the effect of increasing density and intensity of development within the City. Especially in cases where parking lifts are used to satisfy the parking requirements for new developments, the use of lifts could double or triple the amount of dwelling units or commercial floor area a new development might be able to construct. Often, it is the parking requirement that is the limiting factor on new development, where a certain FAR or maximum building height could not be reached without the ability to provide the requisite number of parking spaces. The Department's concern is that through the use of parking lifts to satisfy parking requirements for new construction, significant increases in density and intensity could be realized.

Alternatively, others have voiced the opinion that allowing parking lifts would be a good policy, as the City is perennially short on parking, and allowing more parking spaces to be constructed would help address the parking shortage. The Historic Preservation Board has recommended parking lifts in certain development approvals within local historic districts.

Another proposal has been the construction of main use parking garages using robotic mechanical parking elevator systems, in order to place many more cars into a smaller space than would normally be feasible for a traditional garage. This proposal may be acceptable from the standpoint of a main-use commercial parking garage, which provides needed parking to neighborhood businesses and residents. However, as stated above, the concern is that these will be used to fulfill off site parking requirements, thereby increasing density and intensity of development within the City.

These issues are complex, and related to zoning, development regulations, historic preservation, traffic and congestion, and other areas of importance to the City and the Planning Board. Further study may be conducted, if desired by the City Commission, to formulate policies that address robotic parking use in main-use garages, and other possible uses for mechanical parking.

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Planning Board considered the following where applicable:

- 1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed amendment is consistent with the Comprehensive Plan.

- 2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

N/A

- 3. Whether the change suggested is out of scale with the needs of the neighborhood or the City.**

Consistent – The proposed change would be consistent with the needs of the City, and should ensure that buildings are constructed without additional density or intensity over and above what would normally be allowed utilizing normal parking methods.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent -The proposed change would not be a burden on the existing public facilities and infrastructure; rather, it should help to lessen the impacts of new construction on the City's infrastructure by limiting densities and intensities.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

N/A

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The primary change in conditions necessitating this proposal is the increasing desire of applicants to maximize the utilization of development potential by adding more units and greater intensities than would normally be allowed using normal parking methods. In order to halt the trend of requesting mechanical parking to satisfy required parking, this ordinance is necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent - The proposed amendment should not adversely influence living conditions in our neighborhoods.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent - The proposed change should not negatively affect traffic congestion and levels of service, but rather should help reduce excess trip generation.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Partially Consistent - The proposed change would not reduce light and air, but may limit the ability to reduce the size of parking structures by utilizing mechanical parking.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – Property values should not be negatively impacted.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent - This text amendment should not be a deterrent to the improvement/ development of adjacent parcels.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

N/A

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

N/A

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the proposed Ordinance Amendment and schedule a second reading public hearing for July 27, 2005.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG/TH/JGG/RGL

T:\AGENDA\2005\Jul0605\Regular\1681 - mechanical parking lifts memo.doc

ORDINANCE TO BE SUBMITTED

THIS PAGE INTENTIONALLY LEFT BLANK

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An Ordinance Amending Chapter 12, Article II of the Code of the City of Miami Beach, By Amending Section 12-5, "Special Events Permits," By Renumbering Such Section, and Clarifying and Amending the Definition, Procedures and Standards Applicable to Special Events.

Issue:

Shall the City Commission amend the Ordinance for issuance of special event permits?

Item Summary/Recommendation:

Highlights of significant amendments to the Ordinance are as follows:

Definition of a special event - A special event is defined as a temporary use on public or private property that would not be incidental generally or without restriction throughout a particular zoning district, but would be incidental if controlled with special review in accordance with this section.

Application deadline - Reduce application deadlines from 90 to 60 days in advance for both beach events and non-beach events.

Planning Board review threshold - In the case of events that expect 4,000 200 or more attendees and where there is no legally constituted/recognized association, or in the discretion of the city commission, the manager or manager's designee, the matter will be referred for review and recommendation to the city planning board.

Permits - Permits shall be posted in a conspicuous location at the site on which the special event occurs.

Fines - Violations to conditions of a special event permit may subject the offender to the following immediate fines: for the first offense a fine of one thousand dollars (\$1,000); for second offense a fine of three thousand dollars (\$3,000), and for the third offense and subsequent offenses a fine of five thousand dollars (\$5,000) or arrest.

The Administration recommends approving the ordinance on first reading and scheduling a second reading public hearing.

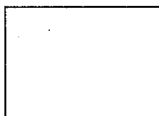
Advisory Board Recommendation:

Neighborhood/Community Affairs Committee on November 3, 2004, December 21, 2004 and June 2, 2005. Additionally, the Planning Board held two public hearings, March 29th and April 26th

Financial Information:

Amount to be expended:

Source of Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2005\Jul0605\Regular\Special Event Ordinance Amendment_July 6 Commission Summ.doc

AGENDA ITEM R5C
DATE 7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

FIRST READING

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 12, ARTICLE II OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SECTION 12-5, "SPECIAL EVENTS PERMITS," BY RENUMBERING SUCH SECTION, AND CLARIFYING AND AMENDING THE DEFINITION, PROCEDURES AND STANDARDS APPLICABLE TO SPECIAL EVENTS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and schedule a second reading public hearing.

ANALYSIS

The City of Miami Beach has become the location of choice for a number of activities and special events which enrich this unique community for both visitors and residents. The Tourism and Cultural Development Department coordinates the permitting of special events and includes review of the appropriate neighborhood association in an effort to complement the ambience and aesthetics of the area in which the events are presented.

As part of the Tourism and Cultural Development Department, the Event and Film Production Office supports events on public property and other properties requiring special zoning exemptions. The Event and Film Production Office is responsible for assisting producers with special events guidelines and permit requirements and the issuance of Special Events Permits. In addition, the Special Events Division serves as liaison between local and regional associations and agencies in addressing the delivery of city services and assists neighborhood associations with maintenance of events criteria.

In 1988, the City Commission approved a set of requirements for any applicant who wishes to hold a special event in the City of Miami Beach. The Special Events Permit Requirements and Guidelines were designed to help guide applicants through the process of applying for a Special Events Permit, while ensuring minimal disruption to the impacted surrounding environment. In 1995, via Resolution No. 95-21684, several revisions to the guidelines were adopted, but the procedures set forth did not adequately address a variety of issues associated with the production of special events. In 1998, via Resolution No. 98-23003, the guidelines were amended to incorporate direction received from neighborhood

associations, property owners and citizen groups. Subsequently, in 2001 Ordinance No. 2001-3302 and the corresponding Resolution No. 2001-24341 were adopted by the City Commission, which codified the Special Event permit process and adopted separate guidelines with procedures, requirements and criteria for the issuance of permits for Special Events in Miami Beach.

In March 2003, at the request of the City Commission, the Administration began another review of the guidelines as the City of Miami Beach continued to increase in popularity and the impacts of special events grew. A companion item is presented in today's agenda which delineates the recommended revisions to the guidelines based upon the communities input, as well as that of the Neighborhood/Community Affairs Committee and the Planning Board.

SUMMARY OF EXISTING STANDARD REQUIREMENTS

A City of Miami Beach Special Events Permit is required for any organized event which takes place on public property, or private property. Applicants who wish to hold a special event must submit to the Tourism and Cultural Development Department a completed Special Event Application. The City Manager may, at his/her discretion, reduce or waive the submission periods for a particular event when such waiver is found to be in the best interest of the City. The City Manager or the Manager's designee will determine specific requirements for the event, and City Departments will determine minimum-staffing levels needed to ensure the events success.

Special Events Applications are subject to review by, and applicants are required to present their plans to, the corresponding neighborhood association(s) corresponding to the geographic area where the event is proposed. The City will identify appropriate neighborhood associations for this review.

The City Manager will make a final determination on an application when all requirements are fully completed by the applicant, including payment for City services. No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event. All approved permits must be available for inspection on site at all times.

The minimum requirements to apply for a Special Events Permit are:

- a completed application and a \$250.00 non-refundable application fee;
- a \$250.00 Permit Fee, refundable if application is denied;
- a minimum \$2,500.00 refundable Security Deposit, and depending upon the scope and nature of the proposed event, the Deposit may be increased;
- an original notarized, completed Indemnity Agreement;
- a Certificate of Insurance per occurrence for at least \$1,000,000 US dollars in general liability coverage, naming the City of Miami Beach as an additional insured and policy

holder;

- a detailed site plan for the event, showing all temporary installations, in relation to the surroundings; and
- a completed questionnaire describing the event.

HIGHLIGHTS OF THE REVISIONS AND NEW REQUIREMENTS

In order to continue facilitation of events that enhance the City of Miami Beach, language has been clarified and new requirements have been added to the Special Events Permits Requirements and Guidelines, which are detailed in the companion item. Highlights of significant amendments to the Ordinance are as follows:

- Definition of a special event - A special event is defined as any organized event that takes place on public property, or private property, where such event would not normally be allowed based on zoning, certificate of use or business license a temporary use on public or private property that would not be incidental generally or without restriction throughout a particular zoning district, but would be incidental if controlled with special review in accordance with this section, without a special events permit.
- Application deadline - Applicants wishing to hold a special event must submit a completed special event application, including but not limited to an application form, site plan, fees, deposits, insurance and indemnification, as required by the special events requirements and guidelines, no less than 90 60 days in advance for beach events and 60 days in advance for non-beach events.
- Planning Board review threshold- Special event applications are subject to review by, and applicants are required to present their plans to, the neighborhood association(s) corresponding to the geographic area where the event is proposed. In the case of events that expect 1,000 200 or more attendees and where there is no legally constituted/recognized association, or in the discretion of the city commission, the manager or manager's designee, the matter will be referred for review and recommendation to the city planning board.
- Permits - Permits shall be posted in a conspicuous location maintained at the site on which the special event occurs.
- Fines - Persons engaged in a special event without a permit, or otherwise in violation of a permit, this section or the special events requirements and guidelines provided for herein, shall be subject to enforcement by city police or code compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to the following immediate fines: for the first offense a fine of one thousand dollars (\$1,000); for second offense a fine of three thousand dollars (\$3,000), and for the third offense and subsequent offenses a fine of five thousand dollars (\$5,000) or arrest, and/or enforcement as provided for in section 1-14 of this code, and/or notices of violation referred to special masters, who have authority to issue fines or enforce compliance, as provided for in chapter 30 of this code.

JMG/TH/mjs

F:\info\SALL\Max\TCD\Special Events\Guidelines\Special Event Ordinance Amendment_July 6 Commission Memo.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 12, ARTICLE II OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SECTION 12-5, "SPECIAL EVENTS PERMITS," BY RENUMBERING SUCH SECTION, AND CLARIFYING AND AMENDING THE DEFINITION, PROCEDURES AND STANDARDS APPLICABLE TO SPECIAL EVENTS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, departing from a history of informally allowing temporary uses as special events in the City through a procedure approved by resolution and governed by a set of guidelines, the City Commission previously adopted Ordinance No 2001-3302, which codified the special events permit process, and also adopted Resolution No. 2001-24341, to adopt the separate Special Event Permit Requirements and Guidelines; and

WHEREAS, due to the vibrancy of the City, there is also an expanded interest in holding special events in the City, in effect celebrating the uniqueness of the City as a venue for such events, and therefore there is a need to further review and revise the special events definition, procedures and standards to account for the increased interest in such events, while maintaining orderly arrangements for the use of public facilities, public resources, and private properties, and to minimize the disruption to the impacted surrounding environment and neighborhoods; and

WHEREAS, the existing special events permit review and approval process provides a significant review procedure to ensure that every event is compatible with surrounding properties and neighborhoods and complements the ambience and aesthetics of the area in which it is presented.

**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND
CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

Section 1. Chapter 12, Article II, Section 12-5 entitled, "Special Event Permits," of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 12

ARTS, CULTURE & ENTERTAINMENT

* * *

Article II. Special Events

* * *

Sec. 12-5. Special events permits.

The city manager, or the manager's designee, has the authority to issue, modify or revoke permits for special events, in accordance with criteria set forth in this section and the special events requirements and guidelines approved by separate resolution of the city commission.

(1) It shall be unlawful to engage in special events without a special events permit. ~~A special event is defined as any organized event that takes place on public property, or private property, where such event would not normally be allowed based on zoning, certificate of use or business license~~ a temporary use on public or private property that would not be incidental generally or without restriction throughout a particular zoning district, but would be incidental if controlled with special review in accordance with this section. ~~without a special events permit.~~

(2) Applicants wishing to hold a special event must submit a completed special event application, including but not limited to an application form, site plan, fees, deposits, insurance and indemnification, as required by the special events requirements and guidelines, no less than ~~90~~ 60 days in advance for beach events and ~~60 days in advance~~ for non-beach events.

(3) The manager, or the manager's designee may impose such fees as they determine appropriate considering the impact of the special event on city facilities and services, including without limitation, user fees for particular city properties, square footage rates for exclusive use of public property, and concession agreements for paid admissions, and sale of food, beverage and merchandise on public property. The city manager may, in his discretion, reduce or waive the submission periods, or fees for events by not-for-profit corporations, for a particular event when such waiver is found to be in the best interest of the city.

(4) The manager or the manager's designee will determine specific requirements, and city departments will determine minimum staffing levels, for the event consistent with the special events requirements and guidelines.

(5) Special event applications are subject to review by, and applicants are required to present their plans to, the neighborhood association(s) corresponding to the geographic area where the event is proposed. In the case of events that expect ~~1,000~~ 200 or more attendees and where there is no legally constituted/recognized association, or in the discretion of the city commission, the city manager or city manager's designee, the matter will be referred for review and recommendation to the city planning board.

(6) The city manager, or the manager's designee, will make a final determination on an application for a permit within seven days after all special events requirements applicable to an event have been fulfilled, with appropriate extensions of such deadline to allow for scheduling of neighborhood association or planning board meetings. All requirements must be fully completed no later than two weeks prior to the event, including payment for city services. No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event.

(7) Special events requirements and guidelines. The city commission may adopt special events requirements and guidelines as they pertain to special events being held in the city. The manager may authorize amendments to the requirements and guidelines proposed by the administration, consistent with the intent and purpose of this section, or may present such amendments to the city commission for approval, by resolution.

(8) Conflict with noise provisions. The city manager or the manager's designee, may issue a permit that authorizes a special event in conflict with chapter 46, article IV, of this Code, or other applicable noise ordinance, only where the applicant has met all of the city's requirements for obtaining a permit as prescribed in this section and the requirements and guidelines, and the special event cannot be performed in compliance with the applicable noise ordinance. Such a permit must specify the precise manner by which the noise ordinance may be exceeded, by what duration, and at what locations. Such permit authorization may be modified or revoked if in the discretion of the manager, or designee, the authorization excessively negatively impacts the surrounding neighborhood. Having a permit shall not relieve the permit holder from compliance with all other applicable local, county, state or federal laws.

(9) Enforcement.

a. Permits shall be posted in a conspicuous location ~~maintained~~ at the site on which the special event occurs. Upon the request of any police officer or code compliance officer of the city, the owner, lessee of the property or other representative of the special event, shall produce such permit for inspection.

b. Persons engaged in a special event without a permit, or otherwise in violation of a permit, this section or the special events requirements and guidelines provided for herein, shall be subject to enforcement by city police or code compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to the following immediate fines: for the first offense a fine of one thousand dollars (\$1,000); for the second offense a fine of three thousand dollars (\$3,000); and for the third offense and subsequent offenses a fine of five thousand dollars (\$5,000) or arrest, and/or enforcement as provided for in section 1-14 of this code, and/or notices of violation referred to special masters, who have authority to issue fines or enforce

compliance, as provided for in chapter 30 of this code. Police or code compliance officers will coordinate enforcement with the Department of Tourism and Cultural Development ~~office of arts, culture and entertainment~~. As an alternate and supplemental remedy, the city may enforce this section by injunctive relief in any court of competent jurisdiction, and in such circumstance the city shall be entitled to recover its reasonable attorneys' fees and costs. For repeat offenders, the manager or designee may decline to issue permits to such person or entity for one year, or such other period as the manager deems appropriate.

(Ord. No. 2001-3302, § 1, 4-18-01)

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

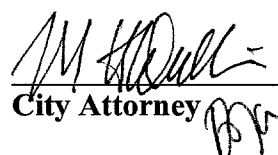

PASSED AND ADOPTED this _____ day of _____ 2005.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM
AND LANGUAGE & FOR EXECUTION


City Attorney  6-30-05
Date

THIS PAGE INTENTIONALLY LEFT BLANK

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Single-family homes abutting a GC Golf Course District would be allowed to become legal, non-conformities if the property owner establishes compliance with applicable building codes to the Building Official's satisfaction; establishing rear setbacks for pools, decks and required yards; permitting decks and in-ground pools to encroach into the easement areas; and providing that conveyed easement areas shall not be included in the determination of lot coverage and other development rights.

Issue:

Should the development regulations for single-family homes abutting a GC, Golf Course District be amended to allow for non-conformities to become legal, establish rear setbacks for pools, decks and required rear yards; permitting decks and in-ground pools to encroach into the easement areas; and providing that conveyed easement areas shall not be included in the determination of lot coverage and other development rights?

Item Summary/Recommendation:

The Administration recommends that this proposed ordinance not be approved; however, should the City Commission deem appropriate to approve the ordinance that the Alternate version be approved on first reading with the modifications suggested in this memorandum. These modifications to the Alternate version are necessary in order to mitigate serious concerns regarding the existing utility easement. Should the City Commission approve the ordinance on first reading, it is recommended that a second reading public hearing be set for the July 27, 2005 meeting, at which time a modified ordinance could be adopted.

Advisory Board Recommendation:

At the March 29, 2005 meeting, a motion was made and approved by a vote of 4-1, to recommend approval of the ordinance with some modifications, which are reflected in the Planning Board version of the ordinance. These modifications are as follows:

- Paragraph (b.)i: allow pools and decks to be placed at the fee simple property line with 0' setback, except as required in Section 142-1133 of the City Code. A removable safety fence around pool would be allowed.
- Paragraph (b.)ii is deleted.
- Paragraph (c) is changed to not allow any structures, including pools or decks. Only greenspace/landscaping and a fence/hedge would be allowed.

A second motion was made and approved unanimously to recommend that should the Commission allow structures on the easement area, only in-ground pools/decks be allowed.

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 60px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2005\Jul0605\Regular\1704 - GC regs cc sum 7-6-05.doc

AGENDA ITEM RSD
DATE 7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

FIRST READING

Subject: **Development Regulations for Single-Family Lots Abutting a GC- Golf Course District**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-109, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING A GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that this proposed ordinance not be approved; however, should the City Commission deem appropriate to approve the ordinance that the Planning Board version be approved on first reading with the modifications suggested in this memorandum. These modifications to the Planning Board version are necessary in order to mitigate serious concerns regarding the existing utility easement. Should the City Commission approve the ordinance on first reading, it is recommended that a second reading public hearing be set for the July 27, 2005 meeting, at which time a modified ordinance could be adopted.

BACKGROUND

The La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries and it revealed that some of the accessory structures of the single-family properties surrounding the golf course were encroaching into the golf course properties.

This issue was discussed at a Land Use and Development Committee (LUDC) on December 6, 2004 and approved a motion for the City Commission to refer to the Planning

Board amendments to the Land Development Regulations to permit the following for properties abutting the La Gorce Golf Course:

1. All structures presently existing on properties abutting the golf course would become legal nonconforming as to setbacks.
2. The setback on properties abutting the golf course would be amended as follows:
 - a. For pools, and decks, the setback becomes 0 feet.
 - b. For all other structures, the setback becomes 10 feet.
3. Awnings, canopies and decks may encroach into easement areas conveyed by the golf course to the abutting property owner.
4. Variances to #2 above would be allowed.
5. The conveyed easement areas shall not be used for purposes of determining lot coverage or other regulations not otherwise provided herein.
6. These regulations would apply to private golf courses existing as of the date of the ordinance.

The proposed ordinance also includes language where it is the property owner's responsibility to establish to the Building Official's satisfaction that the existing nonconforming structures meet applicable building codes; that the only permissible encroachments are decks and pools; and the conveyed easement by the golf club is not to be counted in lot coverage or other development rights.

ANALYSIS

The first reading of this ordinance was originally scheduled for the April 20, 2005 meeting of the City Commission; however, before this item was included in the agenda, the Public Works Director and the City Engineer raised a number of concerns regarding the location of utility easements and the access to the utilities when maintenance or repairs were necessary.

The distance between the existing utility easements around the golf course and the single-family homes is not constant; there are different variations on the east and west sides of the golf course. The distance of the 15-ft. utility easement on the east side of the golf course is approximately 20 feet from the property line separating the golf course and the single-family homes. On the west side, the utility easement runs 5 feet on either side of the property line separating the single-family homes and the golf course.

By a platted or granted easement, a utility owner has the right to that portion of the easement on a property for accessing, installing, maintaining, removing and/or replacing utilities in perpetuity.

The City of Miami Beach, as owner of utilities providing its residents with water supply and collection and disposal of sanitary and storm sewer, has the right to utilize non-exclusive easements on fee simple owned properties, to ingress and egress said premises at all times; to clear the land and keep it cleared of all trees, landscaping, undergrowth and other obstructions within the easement area; to remove any overhang projecting within the dedicated easement area which might interfere with the operation, construction or maintenance of facilities in that area .

The fee simple owner of the property does not have the right to improve or modify the easement area. Any structures, walls, decks, fences, landscaping or appurtenances existing within the easement area are considered encroachments unless specifically permitted by the City - only at-grade sodding is allowed in an easement area - and encroachments within the easement area must be removed by the owners at their expense. A permit may be granted by the City for certain uses of the easement area by the fee simple property owner. These permitted uses may be limited to installing a light removable fencing with foundations not exceeding six inches in depth, installing flexible irrigation pipes or installation of light removable patio fixtures. Such permitted uses will require a recorded restrictive covenant by the property owner for holding the City harmless in the removal of such appurtenances to access the utilities in the easement and the responsibility to restore the easement area at owner's expense.

The granting of an easement by the La Gorce Golf Course to the single-family property owners on the east side of the golf course would not encroach or cause a problem with the utility easement; however, this would not be the case for those properties on the west side of the golf course, perhaps creating inequity among single-family property owners.

The Planning Board Version of the ordinance proposes the following:

1. Buildings existing as of January 1, 2005 that do not conform to the current land development regulations may establish compliance with applicable building codes to the Building Official's satisfaction and become legal.
2. Rear setback requirements to be zero (0) feet from the fee-simple property line for pools and decks, with a minimum walk space at least 18 inches wide between the water's edge of the swimming pool and the rear property line.
3. Variances to rear setbacks to be permitted.
4. Only green space/landscaping and a fence/hedge would be allowed in the easement area conveyed by the GC golf course property owner.

5. The conveyed easement areas would not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section.

The Administration recommends that if the City Commission approves an ordinance, a Modified Planning Board version be adopted, which eliminates section (b) – this section corresponds to numbers 2 and 3 above. What this modification would do is to leave the rear setback requirements as they currently exist in the land development regulations. This modification is necessary to avoid encroachments into the utility easements around the golf course and the single-family homes; these areas free of encroachments would allow the City of Miami Beach, as owner of utilities providing the residents with water supply and collection and disposal of sanitary and storm sewer, ingress and egress as may be necessary for maintenance or repairs.

PLANNING BOARD ACTION

At the March 29, 2005 meeting, a motion was made and approved by a vote of 4-1, to recommend approval of the ordinance with some modifications, which are reflected in the Alternate version of the ordinance included herein.

A second motion was made and approved unanimously to recommend that should the Commission allow structures on the easement area, only in-ground pools/decks be allowed.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CONCLUSION

The Administration recommends that the proposed ordinance not be approved. However, should the City Commission deem appropriate to approve the ordinance that the Modified Planning Board version be approved on first reading, which include the modifications suggested in this memorandum.

Pursuant to Section 118-164(3), when a request to amend the Land Development Regulations of the City Code does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/TH/JGG/ML

T:\AGENDA\2005\Jul0605\Regular\1704 - GC regs cc memo 7-6-05.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-109, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING A GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries; and

WHEREAS, the survey revealed that some of the single-family properties surrounding the golf course were encroaching into the golf course properties; and

WHEREAS, it is necessary to clarify and amend the existing regulations where appropriate, to provide for legal, non-conforming status for existing structures, rear setbacks and encroachments into easement areas.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

Section. 142-109. Development regulations for single-family lots abutting the GC golf course district.

Notwithstanding other provisions of these land development regulations, when a single-family lot abuts the GC golf course district existing as of the date of the adoption of this ordinance, the following regulations shall apply:

- (a) All structures and buildings existing as of January 1, 2005, that the property owner establishes complies with applicable building codes to the Building Official's satisfaction, but do not conform to the land development regulations existing as of the adoption of this ordinance, shall become legal nonconforming as to these land development regulations.
- (b) The rear setback requirements are as follows:
- i. Zero (0) feet from the fee-simple rear property line for pools and decks, provided that a minimum walk space at least 18 inches wide shall be provided between the water's edge of the swimming pool and the rear property line, as required in Section 142-1133 of the City Code;
 - ii. Ten (10) feet for all other structures; and
 - iii. Variances to these rear setbacks may be permitted.
- (c) Notwithstanding (b) above, where the property owner in a GC golf course district conveys an easement to an abutting single family lot's property owner allowing encroachments into a defined easement area in the GC property, the only permissible encroachments into the easement area are by the recipient of the easement and are limited to decks and in-ground pools provided that the following minimum setbacks are maintained from the furthest easement boundary line: six (6) feet minimum to the pool deck or platform edge and seven feet six inches (7½) feet to the water's edge of the pool, as required in Section 142-1133 of the City Code. Such permissible encroachments may extend into the respective rear RS and GC setback areas without obtaining a variance.
- (d) The conveyed easement areas shall not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be

renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2005.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:

Second Reading:

Underscore denotes new language

Verified by: _____

Jorge G. Gomez, AICP
Planning Director

F:\PLAN\PLB\draft ordinances\2005\1704 - La Gorce Ordinance4.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-109, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING A GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries; and

WHEREAS, the survey revealed that some of the single-family properties surrounding the golf course were encroaching into the golf course properties; and

WHEREAS, it is necessary to clarify and amend the existing regulations where appropriate, to provide for legal, non-conforming status for existing structures, rear setbacks and encroachments into easement areas.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

Section. 142-109. Development regulations for single-family lots abutting the GC golf course district.

Notwithstanding other provisions of these land development regulations, when a single-family lot abuts the GC golf course district existing as of the date of the adoption of this ordinance, the following regulations shall apply:

- (a) All structures and buildings existing as of January 1, 2005, that the property owner establishes complies with applicable building codes to the Building Official's satisfaction, but do not conform to the land development regulations existing as of the adoption of this ordinance, shall become legal nonconforming as to these land development regulations.
- (b) The rear setback requirements are as follows:
 - i. Zero (0) feet from the fee-simple property line for pools and decks, provided that a minimum walk space at least 18 inches wide shall be provided between the water's edge of the swimming pool and the rear property line, as required in Section 142-1133 of the City Code;
 - ii. Variances to rear setbacks may be permitted.
- (c) Notwithstanding (b) above, where the property owner in the GC golf course district conveys an easement to an abutting single family lot's property owner allowing encroachments into a defined easement area in the GC property, only green space/landscaping and a fence/hedge are allowed in the easement area.
- (d) The conveyed easement areas shall not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2005.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:

Second Reading:

Underscore denotes new language

Verified by: _____

Jorge G. Gomez, AICP
Planning Director

F:\PLAN\SPLB\draft ordinances\2005\1704 - La Gorce OrdinancePB version.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-109, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING A GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries; and

WHEREAS, the survey revealed that some of the single-family properties surrounding the golf course were encroaching into the golf course properties; and

WHEREAS, it is necessary to clarify and amend the existing regulations where appropriate, to provide for legal, non-conforming status for existing structures, rear setbacks and encroachments into easement areas.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

Section. 142-109. Development regulations for single-family lots abutting the GC golf course district.

Notwithstanding other provisions of these land development regulations, when a single-family lot abuts the GC golf course district existing as of the date of the adoption of this ordinance, the following regulations shall apply:

- (a) All structures and buildings existing as of January 1, 2005, that the property owner establishes complies with applicable building codes to the Building

Official's satisfaction, but do not conform to the land development regulations existing as of the adoption of this ordinance, shall become legal nonconforming as to these land development regulations.

(b) The rear setback requirements are as follows:

i. Zero (0) feet from the fee-simple property line for pools and decks, provided that a minimum walk space at least 18 inches wide shall be provided between the water's edge of the swimming pool and the rear property line, as required in Section 142-1133 of the City Code;

ii. Variances to rear setbacks may be permitted.

(c) Notwithstanding (b) above, wWhere the property owner in a GC golf course district conveys an easement to an abutting single family lot's property owner allowing encroachments into a defined easement area in the GC property, only green space/landscaping and a fence/hedge are allowed in the easement area.

(d) The conveyed easement areas shall not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2005.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:

Second Reading:

Underscore denotes new language

Verified by: _____

Jorge G. Gomez, AICP
Planning Director

F:\PLAN\SPLB\draft ordinances\2005\1704 - La Gorce OrdinancePB version-mod.doc

THIS PAGE INTENTIONALLY LEFT BLANK

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution holding a Public Hearing to approve the proposed uses of the Edward Byrne Memorial Justice Assistance Grant Program funds, in an amount not to exceed \$125,000, and appropriating the grant funds.

Issue:

The Mayor and City Commission are being asked to hold a public hearing to approve the proposed uses of Edward Byrne Memorial Justice Assistance Grant Program funds. Under this program, the City is seeking funds to enhance the Police Department's mission. The grant funds will be used to fund traditional law enforcement equipment (\$82,679) and technology needs (\$40,000).

One of the requirements of the Edward Byrne Memorial Justice Assistance Grant is that a Public Hearing be held for the purpose of providing an opportunity for members of the public to discuss and/or comment upon the proposed uses of the funds. The Administration scheduled the public hearing at the June 8, 2005 City Commission meeting.

Item Summary/Recommendation:

Adopt the Resolution to hold a public hearing and approve the proposed uses of the Edward Byrne Memorial Justice Assistance Grant.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	\$122,679 - Grant	Match N/A – Match not required	
	2			
	3			
	4			
	Total			

Finance Dept.

City Clerk's Office Legislative Tracking:

Judy Hoanshelt, Grants Manager, OBPI

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2005\Jun0805\Consent\grantsjagsum.doc

AGENDA ITEM R7A
DATE 7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

PUBLIC HEARING

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, HOLDING A PUBLIC HEARING TO APPROVE THE PROPOSED USES OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS IN AN AMOUNT NOT TO EXCEED \$125,000 FOR THE PURCHASE OF TRADITIONAL LAW ENFORCEMENT EQUIPMENT AND APPROVED TECHNOLOGY; FURTHER APPROPRIATING THE GRANT FUNDS, IF APPROVED AND ACCEPTED BY THE CITY; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THIS APPLICATION.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program will allow states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. JAG replaces the Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs with a single funding mechanism that will simplify the administration process for grantees.

The procedure for allocating JAG Program funds is a formula based on population and crime statistics in combination with a minimum allocation to ensure that each state and territory receives an appropriate share. Traditionally, under the Byrne Formula and LLEBG Programs, funds were distributed 60/40 between state and local recipients. This distribution will continue under the JAG Program. The purposes of the Justice Assistance Grant Program funds are as follows: Law enforcement programs; Prosecution and court programs; Prevention and education programs; Corrections and community corrections programs; Drug treatment programs; Planning, evaluation, and technology improvement programs.

The City of Miami Beach was awarded grant funds from the United States Department of Justice under the "Local Law Enforcement Block Grant" Program for program year 2005. The total estimated funds for this project are \$122,679. Funds are proposed to be allocated as follows:

Traditional Law Enforcement Equipment - \$82,679

- Mobile surveillance platform
- Carbine racks for patrol vehicles
- Push bumpers for traffic vehicles
- Night vision equipment
- Personal protection equipment for safeguarding against bio/chemical situations (including protective clothing & air filtration masks)
- Less than-lethal weapons

Technology - \$40,000

- Continued automation of processes within the Police Department (computerization of various logs, etc.)
- Infrastructure associated with approved hardware and software acquisitions

CONCLUSION

Under this program, the City is seeking funds to enhance the Police Department's mission. One of the requirements of the grant is that a Public Hearing be held for the purpose of providing an opportunity for members of the public to discuss and/or comment upon the proposed uses of the funds. The Public Hearing was scheduled at the June 8, 2005 City Commission meeting.

JMG/KGB/JH/pc

T:\AGENDA\2005\Jun0805\Consent\grantsjagmemo.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING ON JULY 6, 2005, APPROVING THE PROPOSED USES OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS, IN AN AMOUNT NOT TO EXCEED \$125,000, FOR THE PURCHASE OF TRADITIONAL LAW ENFORCEMENT EQUIPMENT AND APPROVED TECHNOLOGY; FURTHER APPROPRIATING THE GRANT FUNDS, IF APPROVED AND ACCEPTED BY THE CITY, AND AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY CLERK TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THIS APPLICATION.

WHEREAS, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program will allow states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system; and

WHEREAS, the JAG Program replaces the Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs with a single funding mechanism that will simplify the administration process for grantees; and

WHEREAS, the procedure for allocating JAG Program funds is a formula based on population and crime statistics in combination with a minimum allocation to ensure that each state and territory receives an appropriate share; and

WHEREAS, traditionally, under the Byrne Formula and LLEBG Programs, funds were distributed 60/40 between state and local recipients, and this distribution will continue under the JAG Program; and

WHEREAS, funding has already been allocated by the U.S. Department of Justice and, as such, retroactive approval by the City Commission to apply is required; and

WHEREAS, the purposes of the Justice Assistance Grant Program funds are as follows: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and planning, evaluation, and technology improvement programs; and

WHEREAS, the City was awarded grant funds from the United States Department of Justice under the "Local Law Enforcement Block Grant" Program for Program Year 2005, in the amount of \$122,679, and funds are proposed to be allocated as follows:

Traditional Law Enforcement Equipment - \$82,679

- Mobile surveillance platform
- Carbine racks for patrol vehicles
- Push bumpers for traffic vehicles
- Night vision equipment
- Personal protection equipment for safeguarding against bio/chemical situations (including protective clothing, air filtration masks,
- Less-than-lethal weapons

Technology - \$40,000

- Continued automation of processes within the Police Department (computerization of various logs, etc.)
- Infrastructure associated with approved hardware and software acquisitions; and

WHEREAS, under the JAG Program, the City is seeking funds to enhance the Police Department's mission, and one of the requirements of the grant is that a public hearing be held for the purpose of providing an opportunity for members of the public to discuss and/or comment upon the proposed uses of the funds; and

WHEREAS, a duly noticed public hearing was held on July 6, 2005.

NOW, THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission, following a duly noticed public hearing, hereby approve the proposed uses of the Edward Byrne Memorial Justice Assistance Grant Program funds, in an amount not to exceed \$125,000, for the purchase of traditional law enforcement equipment and approved technology; further granting retroactive approval for the City Manager, or his designee, to submit a grant application for said grant; further appropriating the grant funds, if approved and accepted by the City, and authorizing the Mayor, City Manager, and City Clerk to execute all necessary documents related to this application.

PASSED AND ADOPTED this the _____ day of _____, 2005.

MAYOR

ATTEST:

CITY CLERK

JMG\KGB\JH\pc

T:\AGENDA\2005\Jul0605\Regular\grants\jagresopc.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 6-29-05
City Attorney Date



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

www.herald.com | THE HERALD | THURSDAY, JUNE 23, 2005 | 9

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 6, 2005**, to consider the following:

* 10:15 A.M.

A Resolution Setting A Public Hearing On The Proposed Uses Of The Edward Byrne Memorial Justice Assistance Grant Funds; Further Granting Retroactive Approval For The City Manager Or His Designee To Submit A Grant Application For Said Grant; Further Appropriating The Grant Funds If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

10:20 A.M.

An Ordinance Amending The Use Of Public Property Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights Of Way," Division 2 "Temporary Obstructions" Section 82-151 (C) (4), To Apply An Alternative Permit Fee Based On Market Value Of Adjacent Properties Instead Of The Specified Fee From Appendix "A," If Public Works Department Determines That The Temporary Use, Closure Or Occupation Of The Right-Of-Way Will Disrupt, Hinder Or Impede Public Access Or Use Of The Right-Of-Way.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #315

THIS PAGE INTENTIONALLY LEFT BLANK

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

Adopt the second amendment to the Fiscal Year (FY) 2004/2005 General Fund Budget to amend the City Attorney's budget in the amount of \$240,000.

Issue:

Whether to adopt the second amendment to the FY 2004/2005 General Fund Budget?

Item Summary/Recommendation:

Adopt the resolution to amend the FY 2004/2005 General Fund Budget.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of
Funds:

Finance Dept.

	Amount	Account	Approved
1	\$ 240,000	General Fund – Citywide Operating Contingency Account	
2			
3			
Total	\$ 240,000		

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM R7B
DATE 7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SECOND AMENDMENT TO THE GENERAL FUND FISCAL YEAR (FY) 2004/2005 BUDGET TO AMEND THE CITY ATTORNEY'S OFFICE BUDGET IN THE AMOUNT OF \$240,000.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The second amendment to the General Fund FY 2004/2005 budget appropriates an additional \$240,000 to cover unbudgeted outside counsel expenses incurred by the City Attorney's Office from the Citywide Operating Contingency Account.

The City Attorney, pursuant to Article 3, of the Miami Beach City Charter, acts as the legal adviser for the municipality and all of its officers. The office is presently budgeted at twelve full time attorneys and one part time attorney. In the normal conduct of its business, this office contracts the services of outside legal counsel in various specialized areas. This fiscal year we have incurred unbudgeted outside legal costs due to unforeseen expenses incurred in the areas of: Environmental and land use litigation, administrative and transactional expenses, arbitration and protracted union negotiations. These expenses total \$240,000 in excess of the current FY05 Adopted Budget.

More specifically, the increase in expenses has come about due to litigation having as its base a land use dispute; litigation resulting from cost recovery efforts in golf course contamination; administrative proceedings for the North Beach Corridor Project; labor arbitrations, Public Employees Relations Commission (PERC) proceedings and protracted labor negotiations. In arriving at the required \$240,000 adjustment, this office has already transferred and applied \$50,000 from salary savings.

The attached Resolution will allow enactment of the second amendment to the General Fund Budget to adjust the City Attorney departmental appropriation within the General Fund budget. This action is necessary to comply with Florida Statutes which stipulate that we may not expend more than our appropriations provide.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY
COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,
ADOPTING THE SECOND AMENDMENT TO THE
GENERAL FUND FISCAL YEAR (FY) 2004/2005 BUDGET TO
AMEND THE CITY ATTORNEY'S OFFICE BUDGET IN THE
AMOUNT OF \$240,000.**

WHEREAS, unbudgeted Outside Counsel expenses have been incurred by the Office of City Attorney arising out of unforeseen litigation in the environmental and land use areas, the administrative area as well as unforeseen transactional expenses; and

WHEREAS, unbudgeted outside Labor Counsel expenses have been incurred arising out of unforeseen labor issues, such as increased arbitration and protracted union negotiations; and

WHEREAS, as a result of said unforeseen circumstances, the projected necessary expenses appropriated for the fiscal year 2004-2005 will exceed the respective accounts originally budgeted, and require an amendment to their respective appropriation to address projected expenditures which will exceed their departmental budget; and

WHEREAS, Florida Statutes stipulate that we may not expend more than our appropriations provide; and

WHEREAS, in order to address said unforeseen expenses it is necessary to amend certain expenditure categories within the General Fund budget through an amendment of \$240,000 in order to adjust the City Attorney's budget in the General Fund, with funding from the General Fund Citywide Operating Contingency Account; and

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY
COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the second amendment to
the Fiscal Year 2004/2005 General Fund budget is adopted as follows:**

	FY 2004/2005	Increase/	FY 2004/2005
	Amended Budget	(Decrease)	Second Amended Budget
GENERAL FUND			
OPERATING REVENUES			
Ad Valorem Taxes	\$ 79,380,929		\$ 79,380,929
Ad valorem Taxes-Normandy shore	92,301		92,301
Other Taxes	19,568,600		19,568,600
Licenses & Permits	11,446,631		11,446,631
Intergovernmental	11,117,000		11,117,000
Charges for Services	6,141,136		6,141,136
Fines & Forfeits	1,404,000		1,404,000
Interest	2,836,880		2,836,880
Rents & Leases	2,679,145		2,679,145
Miscellaneous	6,409,227		6,409,227
Other -Resort Tax Contribution	18,928,608		18,928,608
Other - Non-Operating Revenues	8,165,421		8,165,421
Fund Balance	177,615		177,615
Total General Fund	\$ 168,347,493	\$ -	\$ 168,347,493

APPROPRIATIONS**Department/Function**

Mayor & Commission	\$	1,260,879		\$	1,260,879
City Manager		1,888,209			1,888,209
Communications		272,588			272,588
Budget & Performance Improvement		1,569,053			1,569,053
Finance		3,460,126			3,460,126
Procurement		706,999			706,999
Human Resources		1,393,979			1,393,979
Labor Relations		193,332			193,332
City Clerk		1,527,654			1,527,654
City Attorney		3,198,595	240,000		3,438,595
Economic Development		854,064			854,064
Building		5,482,359			5,482,359
Planning		2,615,594			2,615,594
Tourism & Cultural Development		1,138,403			1,138,403
Bass Museum		1,259,432			1,259,432
Neighborhood Service		3,730,078			3,730,078
Parks & Recreation		21,556,169			21,556,169
Public Works		6,095,758			6,095,758
Capital Improvement Program		2,784,730			2,784,730
Fire		36,364,606			36,364,606
Police		61,386,186			61,386,186
Citywide Accounts		7,124,967			7,124,967
Citywide Accts-Normandy Shores		136,663			136,663
Citywide Accts-Operating Contingency		1,000,000	(240,000)		760,000
Capital Renewal & Replacement		1,347,070			1,347,070
Total General Fund	\$	168,347,493	\$	-	\$ 168,347,493

PASSED and ADOPTED this 6th day of July, 2005.

ATTEST:

CITY CLERK

FUNDING APPROVAL:

MANAGEMENT AND BUDGET

F:\atto\DUBM\RESEXENSES

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. W. Dubler - 6-29-05

City Attorney Date

THIS PAGE INTENTIONALLY LEFT BLANK

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A Resolution Accepting the City Manager's Recommendation Pertaining to the Ranking of Organizations for the Log Cabin Training Center Authorizing the Administration to Enter into Negotiations, and Authorizing the Mayor and City Clerk to Execute an Agreement for the Administration and Management of the City of Miami Beach Log Cabin Training Center.

Issue:

Shall the Commission Adopt the Resolution?

Item Summary/Recommendation:

Request for Proposals (RFP) No. 12-04/05 was issued on March 11, 2005 for the Administration and Management of the City of Miami Beach Log Cabin Training Center, as authorized by the City Commission. The City Administration believes that direct services such as these are best provided by community-based organizations with the appropriate infrastructure, experience and internal resources to properly manage new state-mandated standards.

Responsive proposals were received from the Association for the Development of the Exceptional, Inc. (ADE); Association for Retarded Citizens, South Florida (ARC); and Miami Beach Vocational Training Center, Inc. (MBVTC); and Sunrise Community, Inc. (Sunrise).

An Evaluation Committee appointed by the City Manager reviewed the proposals, listened to presentations from the Proposers, engaged in question and answer sessions with each of the proposers, then scored and ranked the four proposals.

The Committee reached a consensus that Sunrise was the first choice out of the four organizations. The organization holds all required certifications and is in compliance with regulations. In the most recent Developmental Disabilities Collaborative Outcomes Review and Enhancement Review protocol (Delmarva) survey, Sunrise scored a rare 100% in each category of Core Assurances, Transportation, Adult Day Training, Supported Living and Supported Employment. This survey is the result of a state inspection to ensure compliance to State of Florida law with respect to the provision of Medicaid-waiver services. Sunrise is offering to pay a monthly fee of \$500, with no additional charges to City. The Committee discussed whether to choose a second ranked organization, in the event negotiations with the top ranked firm were unsuccessful. Due to there being no clear second choice, the Committee voted and unanimously decided not to recommend a second ranked organization.

ADOPT THE RESOLUTION.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
Finance Dept	\$0.00	No charge to the City. Sunrise would assume the administrative operations of the existing Log Cabin Training Center and pay a monthly fee of \$500 to the City.	
Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager/CFO	City Manager
		JMG

T:\AGENDA\2005\Jul62005\ConsentLogCabinSummary.doc

AGENDA ITEM

R7C

DATE

7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF ORGANIZATIONS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 12-04/05 FOR THE ADMINISTRATION AND MANAGEMENT OF THE CITY OF MIAMI BEACH LOG CABIN TRAINING CENTER; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP RANKED ORGANIZATION OF SUNRISE COMMUNITY, INC.; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON THE COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Log Cabin Training Center was founded by the City of Miami Beach in 1983 to provide vocational training services to developmentally disabled clients. The Center houses three programs:

- Adult Day Training (ADT) – vocational skills training
- Supported Employment (SE) – vocational support services for mainstream employment
- Supported Independent Living (SIL) – support services for those transitioning from group/family care to independent living

The Center operates from a City-owned building at 8128 Collins Avenue that features three classrooms, kitchen and support offices. The Center currently employs one full-time City employee and seven full-time contractors to operate five days a week from 8am to 4pm in addition to off-site services available 24 hours per day, seven days per week (for SE and SIL clients).

Its primary current source of funding is Medicaid-waiver fees.

The Center provides goal-specific programming tailored to the needs of its clients through the development of Individual Program Plans that are updated annually and address vocational and life skills attainment.

The Center has an established symbiotic relationship with the Log Cabin Enterprises, Inc./Log Cabin Nursery. The Nursery is a 501(c)3 organization that operates a sheltered worksite for the Center's developmentally disabled clients. The Nursery shares use of the City-owned property on which it is located with the Center. The Center and Nursery have had a Memorandum of Understanding that delineates a partnership agreement utilizing the Nursery as a sheltered worksite for ADT, SE and SIL clients.

Commission Memo

RFP 12-04/05 – The Administration and Management of the City of Miami Beach Log Cabin Training Center

July 6, 2005

Page 2 of 4

The City Administration believes that direct services such as these are best provided by community-based organizations with the appropriate infrastructure, experience and internal resources to properly manage new state-mandated standards. The City is seeking a not-for-profit or for-profit organization to assume the administration and management of the Log Cabin Training Center and its various programs. As a rule, these types of programs are usually run at the regional level by a regional governmental entity such as Miami-Dade County or a not-for-profit or for-profit agency rather than municipal entities. The City desires to maintain the existing programming and services as well as the current staff. The scope of services includes criteria to ensure that the City secures an organization with extensive experience in delivering services to the developmentally disabled, as well as the appropriate state and local licenses. The City, through the Request for Proposals (RFP) process, intends for the program to be maintained in its current state but will not be the direct service provider.

This item was discussed at the October 13, 2004 Neighborhood /Community Affairs Committee and the committee unanimously approved moving forward with the RFP.

On January 12, 2005, the City Commission authorized the issuance of an RFP for the administration and management of the City of Miami Beach Log Cabin Training Center.

RFP PROCESS

On February 1, 2005 RFP No. 04-04/05 was issued and notices sent to over 17 firms or organizations, which resulted in the receipt of one late proposal, received after the cut-off time, and therefore returned to the proposer.

On March 11, 2005 the RFP was re-issued as No. 12-04/05 and notices sent to over 28 firms or organizations, which resulted in the receipt of four proposals from the following organizations:

Association for the Development of the Exceptional, Inc. (ADE)
Association for Retarded Citizens, South Florida (ARC)
Miami Beach Vocational Training Center, Inc. (MBVTC)
Sunrise Community, Inc. (Sunrise)

On May 3, 2005, the City Manager via Letter to Commission No. 116-2005 appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

1. Lisa Friedman-Chavez , District Coordinator, FL Department of Children & Families
2. Samuel Epstein – Caregiver/Parent of Existing Client
3. Elizabeth Regalado – Alliance for Human Services
4. Christian Valenzuela – Unike Support Services
5. Howard Kaufman – Resident, CMB
6. Deborah Ruggiero – Resident, CMB
7. Felix Munoz – Resident, CMB
8. Max Sklar – Director of Tourism and Cultural Development, CMB
9. Jimmy McMillion – Special Projects Coordinator, Neighborhood Services, CMB

Max Sklar was appointed the Chair of the Committee.

Commission Memo

RFP 12-04/05 – The Administration and Management of the City of Miami Beach Log Cabin Training Center

July 6, 2005

Page 3 of 4

Lisa Friedman-Chavez and Christian Valenzuela stated conflicts of interest upon being notified of the meeting. Wilma Johnson, Support Coordinator; and Steven Ray, owner of Consumer Opportunities, Inc. were selected as alternates for the previously appointed Committee members. Felix Munoz was not able to participate due to schedule conflicts.

The Committee convened on June 7, 2005 and was provided with an overview of the project, information relative to the City's Code of Silence Ordinance, the Government in the Sunshine Law, and the evaluation criteria. The Committee then listened to presentations from the four proposers. After each presentation, the Committee engaged in a question and answer session with the presenters.

Upon completion of the presentations, the Committee deliberated each of the proposals and the corresponding organization's presentation.

ADE's proposal indicated they have no current SIL (Supported Independent Living) component in place, which was deemed by the Committee to be an important aspect of the current program. ADE had also been through significant financial difficulties which began turning around three years ago. The organization is now solvent under the current Executive Director, who was appointed in July 2002. ADE's proposal has made no specific commitment to absorbing the existing Log Cabin Training Center staff, indicating these individuals would be allowed to compete for the positions when they were advertised.

ARC's proposal and presentation indicated good methodology and approach to the project, which included a charge to the City of \$100,000 for the first year of operation as the program was transitioned. Charges for follow-on years were not fully determined. ARC is willing to give priority to existing Log Cabin Training Center staff in hiring for the transition.

MBVTC was created by current employees on contract with the Log Cabin Training Center. While the staff is dedicated, sensitive to the needs of the clients, and has a demonstrated knowledge of the daily operations, the proposal lacked a viable business plan for an organization with no past history. The proposal for running the organization relied heavily on pro-bono services and employing existing clients of the center. MBVTC staff currently lack the certifications required by the State of Florida as a Medicaid - waiver provider and the appropriate licenses.

Sunrise was founded 40 years ago and has an established history of successful operations. The organization holds all required certifications and is in compliance with regulations. In the most recent Developmental Disabilities Collaborative Outcomes Review and Enhancement Review protocol (Delmarva) survey, Sunrise scored a rare 100% in each category of Core Assurances, Transportation, Adult Day Training, Supported Living and Supported Employment. This survey is the result of a state inspection to ensure compliance to State of Florida law with respect to the provision of Medicaid-waiver services. In addition to past performances, Sunrise's proposal included detailed methodology and approach to this project including willingness to be flexible. Sunrise is offering to pay a monthly fee of \$500, with no additional charges to City. The proposal gives priority to hiring existing Log Cabin Training Center Staff, provided they pass the background screening currently in place at Sunrise.

Commission Memo**RFP 12-04/05 – The Administration and Management of the City of Miami Beach Log Cabin Training Center****July 6, 2005****Page 4 of 4**

The Committee was instructed to rank and score each proposal pursuant to the evaluation criteria established in the RFP, which was as follows (total possible 100 points):

<u>Evaluation Criteria/Factors</u>	<u>Weight</u>
• Qualifications of the Proposer	25%
• Past Performance	25%
• Methodology and Approach	25%
• Proposed Fee/Compensation	20%
• Absorption of All Existing Staff	5%

The Committee then scored and ranked the firms as follows:

COMMITTEE MEMBER	ADE SCORE	ADE RANKING	ARC SCORE	ARC RANKING	MBVTC SCORE	MBVTC RANKING	SUNRISE SCORE	SUNRISE RANKING
WILMA JOHNSON	98	1 ST	70	3 RD	30	4 TH	95	2 ND
HOWARD KAUFMAN	55	3 RD	55	4 TH	85	1 ST	64	2 ND
STEVEN RAY	*70	*3 RD	*45	*2 ND	35	4 TH	80	1 ST
ELIZABETH REGALADO	72	3 RD	75	2 ND	45	4 TH	95	1 ST
DEBORAH RUGGIERO	66	3 RD	68	2 ND	14	4 TH	100	1 ST
MAX SKLAR	83	2 ND	69	3 RD	40	4 TH	94	1 ST

*Although Committee Member Steven Ray scored ADE higher than ARC, he believed that ARC should be ranked higher.

In addition to the scores and rankings indicating such, the Committee reached a consensus that Sunrise was the first choice out of the four organizations. The Committee discussed whether to choose a second ranked organization, in the event negotiations with the top ranked firm were unsuccessful. Due to there being no clear second choice, the Committee voted and unanimously decided not to recommend a second-ranked organization. Not only was there a wide gap between the top-ranked and any potential second-ranked organization, but the Committee also believes there will not be any issues with the Administration entering into an agreement with Sunrise.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the attached resolution, which recommends the acceptance of the ranking of the organizations and authorizes the Administration to enter into negotiations with the top-ranked organization of Sunrise Community, Inc.; and further authorizing the Mayor and City Clerk to execute an agreement upon the completion of successful negotiations by the Administration.

T:\AGENDA\2005\Jul0605\Consent\LogCabinMemo.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF ORGANIZATIONS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 12-04/05 FOR THE ADMINISTRATION AND MANAGEMENT OF THE CITY OF MIAMI BEACH LOG CABIN TRAINING CENTER; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP RANKED ORGANIZATION OF SUNRISE COMMUNITY, INC.; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON THE COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

WHEREAS, the Log Cabin Training Center (Center) was founded by the City of Miami Beach in 1983 to provide vocational training services to developmentally disabled clients; and

WHEREAS, the Center operates from a City-owned building at 8128 Collins Avenue that features three classrooms, kitchen and support offices; and

WHEREAS, the Center currently employs one full-time City employee and seven full-time contractors to operate five days a week, from 8am to 4pm, in addition to off-site services available 24 hours per day, seven days per week; and

WHEREAS, the Center's primary current source of funding is Medicaid waiver fees; and

WHEREAS, the Center provides goal-specific programming tailored to the needs of its clients through the development of Individual Program Plans that are updated annually and address vocational and life skills attainment; and

WHEREAS, the City is seeking a not-for-profit or for-profit organization to assume the administration and management of the Center and its various programs; and

WHEREAS, the City desires to maintain the existing programming and services, as well as the current staff; and

WHEREAS, the City, through the Request for Proposals (RFP) process, intends for the program to be maintained in its current state but will not be the direct service provider; and

WHEREAS, this item was discussed at the October 13, 2004 Neighborhoods/Community Affairs Committee and the Committee unanimously approved moving forward with the RFP; and

WHEREAS, on January 12, 2005, the City Commission authorized the issuance of an RFP for the administration and management of the City of Miami Beach Log Cabin Training Center; and

WHEREAS, on March 11, 2005, RFP No. 12-04/05 was issued and notices sent to over 28 firms or organizations; and

WHEREAS, the RFP resulted in the receipt of four proposals from: Association for the Development of the Exceptional, Inc. (ADE); Association for Retarded Citizens, South Florida (ARC); Miami Beach Vocational Training Center, Inc. (MBVTC); and Sunrise Community, Inc. (Sunrise); and

WHEREAS, on May 3, 2005, the City Manager via Letter to Commission No. 116-2005 appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

- 1) Lisa Friedman-Chavez, District Coordinator, FL Department of Children & Families
- 2) Samuel Epstein – Caregiver/Parent of Existing Client
- 3) Elizabeth Regalado – Alliance for Human Services
- 4) Christian Valenzuela – Unike Support Services
- 5) Howard Kaufman – Resident, CMB
- 6) Deborah Ruggiero – Resident, CMB
- 7) Felix Munoz – Resident, CMB
- 8) Max Sklar – Director of Tourism and Cultural Development, CMB
- 9) Jimmy McMillion – Special Projects Coordinator, Neighborhood Services, CMB; and

WHEREAS, Wilma Johnson, Support Coordinator; and Steven Ray, owner of Consumer Opportunities, Inc. were selected as alternates for the previously appointed Committee members who indicated a conflict of interest; and

WHEREAS, the Committee convened on June 7, 2005, and was provided with an overview of the project, information relative to the City's Cone of Silence Ordinance, the Government in the Sunshine Law, and the evaluation criteria; and

WHEREAS, the Committee then listened to presentations from the four proposers as well as engaged in a question and answer session with the presenters; and

WHEREAS, the Evaluation Committee scored the four organizations based on the following criteria, as outlined in the RFP, for a maximum possible total of 100%:

- Qualifications of the Proposer - 25%
- Past Performance - 25%
- Methodology and Approach – 25%
- Proposed Fee/Compensation - 20%
- Absorption of All Existing Staff – 5% ; and

WHEREAS, the Committee then scored and ranked the firms
a follows:

COMMITTEE	ADE	ADE	ARC	ARC	MBVTC	MBVTC	SUNRISE	SUNRISE
MEMBER	SCORE	RANKING	SCORE	RANKING	SCORE	RANKING	SCORE	RANKING
WILMA JOHNSON	98	1 ST	70	3 RD	30	4 TH	95	2 ND
HOWARD KAUFMAN	55	3 RD	55	4 TH	85	1 ST	64	2 ND
STEVEN RAY	70	3 RD	45	2 ND	35	4 TH	80	1 ST
ELIZABETH REGALADO	72	3 RD	75	2 ND	45	4 TH	95	1 ST
DEBORAH RUGGIERO	66	3 RD	68	2 ND	14	4 TH	100	1 ST
MAX SKLAR	83	2 ND	69	3 RD	40	4 TH	94	1 ST

; and

WHEREAS in addition to the scores and rankings indicating such, the Committee reached a consensus that Sunrise was the first choice out of the four organizations; and

WHEREAS, due to there being no clear second choice, the Committee voted and unanimously decided not to recommend a second-ranked organization; and

WHEREAS, the City Manager concurs with the Committee's recommendation.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager pertaining to the ranking of proposals pursuant to Request for Proposals (RFP) No. 12-04/05, for the Administration and Management of the City of Miami Beach Log Cabin Training Center, and authorize the Administration to enter into negotiations with the top ranked firm of Sunrise Community, Inc., and further authorize the Mayor and City Clerk to execute an agreement, upon the completion of successful negotiations by the Administration.

PASSED and ADOPTED this _____ day of June, 2005.

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

THIS PAGE INTENTIONALLY LEFT BLANK

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida authorizing the issuance of not to exceed \$60,000,000 in aggregate principal amount of City of Miami Beach, Florida Taxable Special Obligation Refunding Bonds (Pension Funding Project), Series 2005, for the principal purposes of, together with other available moneys, (i) refunding certain outstanding City Of Miami Beach, Florida Taxable Special Obligation Bonds (Pension Funding Project), Series 1994, and (ii) making any required termination payment with respect to a hedge agreement; providing for the rights and security of all holders of bonds issued pursuant to this resolution;.....

Issue:

Shall the City Commission authorize the issue of not to exceed \$60,000,000 in aggregate principal amount of City of Miami Beach, Florida Taxable Special Obligation Refunding Bonds (Pension Funding Project), Series 2005.

Item Summary/Recommendation:

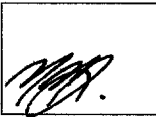
The Administration recommends the City Commission adopt the proposed Resolution which authorizes the City of Miami Beach to: adopt an authorizing and delegating resolution which authorizes the City to issue refunding bonds (whether or not Morgan Stanley Capital Sources Inc. exercises its option under the Swap) and, if Morgan Stanley exercises their option, delegates to the appropriate City official, after consultation with the Chief Financial Officer, and RBC Dain Rauscher as Financial Advisor, and Squire Sanders & Dempsey L.L.P as Bond Counsel, authorization to determine in August, 2005 whether to maintain the Swap and issue variable rate bonds or terminate the Swap and issue fixed rate bonds.

On February 1, 1995 the City of Miami Beach issued \$57,710,000 of Taxable Special Obligation Bonds (Pension Funding Project), Series 1994. The bonds were issued by the City for the purpose of providing the required funding: to discharge the Unfunded Actuarial Accrued Liabilities as of October 1, 1993 with respect to the Pension Plans (\$56,081,416): Fire and Police Base and Supplemental Plans = \$50,520,480; Unclassified Employees' and Elected Officials' Plan = \$5,560,936; and to pay the cost of issuing the bonds.

Advisory Board Recommendation:

Finance and Citywide Projects Commission Committee – May 24, 2005 – approved the City Manager's recommendation to adopt an authorizing and delegating resolution which authorizes the Administration, in concert with the City's Financial Advisor, RBC Dain Rauscher, and Bond Counsel, Squire Sanders & Dempsey L.L.P. to determine whether to: issue refunding bonds, at a fixed or variable rate depending on market conditions, if Morgan Stanley does not exercise its option under the Swap Agreement; or, if Morgan Stanley exercises its option under the Swap Agreement: uphold the Swap and issue variable rate bonds; or, terminate the Swap and issue fixed rate bonds.

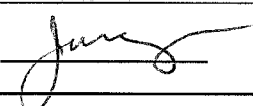
Financial Information:

Source of Funds:		Amount	Account	Approved
 Finance Dept.	1	\$60,000,000.00	Special Obligation Refunding Bonds Series 2005 (Pension Funding Project)	
	2			
	3			
	4			
	Total	\$60,000,000.00		

City Clerk's Office Legislative Tracking:

Patricia D. Walker, Chief Financial Officer

Sign-Offs:

Department Director	Assistant City Manager	City Manager
PDW _____	PDW _____	JMG 

F:\fina\SCIP\MAN\Manuel\Debt Service\Pension Bonds\Pension 05 Summ.doc

AGENDA ITEM R7D
DATE 7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$60,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA TAXABLE SPECIAL OBLIGATION REFUNDING BONDS (PENSION FUNDING PROJECT), SERIES 2005, FOR THE PRINCIPAL PURPOSES OF, TOGETHER WITH OTHER AVAILABLE MONEYS: (i) REFUNDING CERTAIN OUTSTANDING CITY OF MIAMI BEACH, FLORIDA TAXABLE SPECIAL OBLIGATION BONDS (PENSION FUNDING PROJECT), SERIES 1994, AND (ii) MAKING ANY REQUIRED TERMINATION PAYMENT WITH RESPECT TO A HEDGE AGREEMENT; PROVIDING FOR THE RIGHTS AND SECURITY OF ALL HOLDERS OF BONDS ISSUED PURSUANT TO THIS RESOLUTION; PROVIDING CERTAIN DETAILS OF THE BONDS; DELEGATING OTHER DETAILS AND MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS, THE REFUNDING OF THE PRIOR BONDS TO BE REFUNDED AND THE HEDGE AGREEMENT TO THE MAYOR, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPOINTING A BOND REGISTRAR; AUTHORIZING A BOOK-ENTRY REGISTRATION SYSTEM FOR THE BONDS; AUTHORIZING THE NEGOTIATED SALE AND AWARD BY THE MAYOR OF THE BONDS TO THE UNDERWRITERS, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING THE FORM OF AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 AND AUTHORIZING THE EXECUTION AND DELIVERY OF A COMMITMENT WITH RESPECT THERETO; AUTHORIZING THE REFUNDING, DEFEASANCE AND REDEMPTION OF THE BONDS TO BE REFUNDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW AGENT; APPROVING THE FORM OF AND, IF NECESSARY, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AUCTION AGENT AGREEMENT AND THE APPOINTMENT OF AN AUCTION AGENT; CREATING CERTAIN FUNDS AND ACCOUNTS AND PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE BONDS; PROVIDING FOR A**

BOND INSURANCE POLICY FOR THE BONDS; PROVIDING FOR THE DEPOSIT OF A RESERVE ACCOUNT INSURANCE POLICY TO THE CREDIT OF THE DEBT SERVICE RESERVE ACCOUNT AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GUARANTY AGREEMENT WITH THE PROVIDER THEREOF; PROVIDING COVENANTS FOR THE PROVIDER OF SUCH CREDIT FACILITY AND RESERVE ACCOUNT INSURANCE POLICY; PROVIDING FOR A SURETY BOND FOR THE HEDGE AGREEMENT IF NOT TERMINATED OR ASSIGNED; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY RELATED ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

This resolution authorizes the City of Miami Beach to issue bonds to refund the City's Taxable Special Obligation Bonds (Pension Funding Project), Series 1994 (whether or not Morgan Stanley Capital Sources Inc. exercises its option under the Swap) and, if Morgan Stanley exercises their option, delegates to the appropriate City official, after consultation with the Chief Financial Officer and RBC Dain Rauscher as Financial Advisor, authorization to determine in August whether to remain in the swap transaction and issue variable rate bonds or terminate the Swap and issue fixed rate bonds. The resolution was drafted by our Bond Counsel, Squire, Sanders & Dempsey L.L.P.

BACKGROUND

On February 1, 1995 the City of Miami Beach issued \$57,710,000 of Taxable Special Obligation Bonds (Pension Funding Project), Series 1994. The bonds were issued by the City for the purpose of providing the required funding:

- To discharge the Unfunded Actuarial Accrued Liabilities as of October 1, 1993 with respect to the Pension Plans (\$56,081,416)
 - Fire and Police Base and Supplemental Plans = \$50,520,480
 - Unclassified Employees' and Elected Officials' Plan = \$5,560,936
- To pay the cost of issuing the bonds.

In March 1996 interest rates had declined by approximately one and one half percent and in an effort to capture these savings, the City Commission approved the execution of a transaction which allowed the City to: receive a payment of \$1.4 million from Morgan Stanley representing the present value savings from the reduction in interest rates as though a traditional refunding of the Series 1994 Bonds had been accomplished; and, obtain a bond insurance commitment if refunding bonds were issued in the future.

In exchange for this payment, the City contractually agreed to grant a one day option (August 1, 2005) to Morgan Stanley that if exercised, could obligate the City to enter into an interest rate swap agreement (the "Swap") and issue variable rate bonds on September 1, 2005. The City can also choose to terminate the swap on September, 2005 and make a calculated termination payment to Morgan Stanley. If the Swap is exercised, Morgan Stanley is also required to pay the City an additional sum of \$1,567,615 (the "Swap Exercise Fee") which should approximate the cost of issuance and the call premium for the City to issue the bonds to refund the Series 1994 Bonds.

City's Current Position

Current market conditions make it highly likely that Morgan Stanley will exercise their option on August 1, 2005 and since the City Commission is in recess during the month of August, the Administration is seeking authorization to take certain actions during August and early September depending on the following foreseeable scenarios with respect to the Swap Agreement:

- Option Expires Unexercised (this is a highly unlikely event)

If Morgan Stanley elects not to exercise its option, the City retains the original payment of \$1,400,000.

If current market conditions continue into August the City would refund the Series 1994 Bonds at rates of approximately 5% compared to the average rates on the remaining outstanding Series 1994 Bonds of 8.58% and would achieve substantial savings.

- Option is Exercised; Swap Becomes Effective; Refunding Accomplished with Variable rate Bonds.

If Morgan Stanley elects to exercise its option, and the City determines that it is in its best interests to remain in the Swap through maturity (December 1, 2022), the transaction must be completed with a variable rate refunding issue, with the City's rate fixed throughout the Swap at 8.27%. Given market conditions on June 23, 2005 this action would reduce the original \$1.4 million benefit by approximately \$100,000.

Variable rate bond interest rates are generally set periodically by a remarketing agent or other agent. Pricing at each adjustment date reflects the interest rate necessary to remarket all available bonds at par.

Variable rate bonds contain long maturities, full redemption flexibility and multiple adjustment frequencies with daily, weekly or monthly adjustment periods being most commonly used (quarterly, semiannual and annual also possible). Bonds would be generally redeemable on any interest rate adjustment date.

Third-party liquidity support is generally required and investors have a demand feature (a.k.a. the "put" option), unless the bonds are issued as auction rate securities which typically require only 1 to 7 days notice of intent to tender bonds to the remarketing agent. Despite long maturities, investor demand feature permits treatment as a short-term investment and facilitates purchases by money market funds. Variable rate bonds must carry high short-term ratings to be eligible for purchase by most money market funds.

In addition, the City may achieve greater or lesser savings during the life of the Swap depending on the relationship of the variable rate paid on the bonds to the variable rate received from Morgan Stanley pursuant to the Swap. Also the City may be exposed to liquidity facility renewal risk and counterparty risk.

- Option is Exercised; Swap is Terminated; Refunding Accomplished with Fixed Rate Bonds.

If Morgan Stanley elects to exercise its option, and the City determines that it is in its best interests to terminate the Swap (to avoid the potential additional risks and costs) the City would sell fixed rate taxable refunding bonds, using the proceeds to refund the Series 1994 Bonds and to pay any termination payment due under the Swap.

Under the assumption of termination, although expenses associated with a fixed rate bond sale have been provided for in the Swap Exercise Fee, but the City would need to issue sufficient fixed rate bonds to pay the termination payment due Morgan Stanley, which as of June 23, 2005 we estimate to be approximately \$12.5 million. This transaction would reduce the original \$1.4 million benefit by \$355,000 but this is subject to change based upon market conditions.


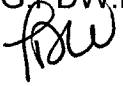
Under this scenario, the City's resulting debt payment remains essentially unchanged relative to the Series 1994 debt service; however, the City eliminates interest rate, counterparty and liquidity facility renewal risk.

FINANCE AND CITYWIDE PROJECTS COMMITTEE RECOMMENDATION

On May 24, 2005 the Finance and Citywide Projects Commission Committee approved the City Manager's recommendation to adopt an authorizing and delegating resolution prepared by Bond Counsel, Squire Sanders & Dempsey L.L.P. which authorizes the Administration, in concert with the Chief Financial Officer and the City's Financial Advisor, RBC Dain Rauscher, to take all necessary actions to:

- Issue refunding bonds, at a fixed or variable rate depending on market conditions, if Morgan Stanley does not exercise its option under the Swap Agreement; or,

- If Morgan Stanley exercises its option under the Swap Agreement:
 - Maintain the Swap and issue variable rate bonds; or,
 - Terminate the Swap and issue fixed rate bonds

JMG:PDW:mm 




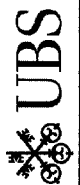
Municipal Securities Group

*Presentation Materials for Discussion of Series 1994
Special Obligation Bonds Refinancing Opportunities*



City of Miami Beach, Florida

May 24, 2005



UBS Financial Services Inc. is a subsidiary of UBS AG

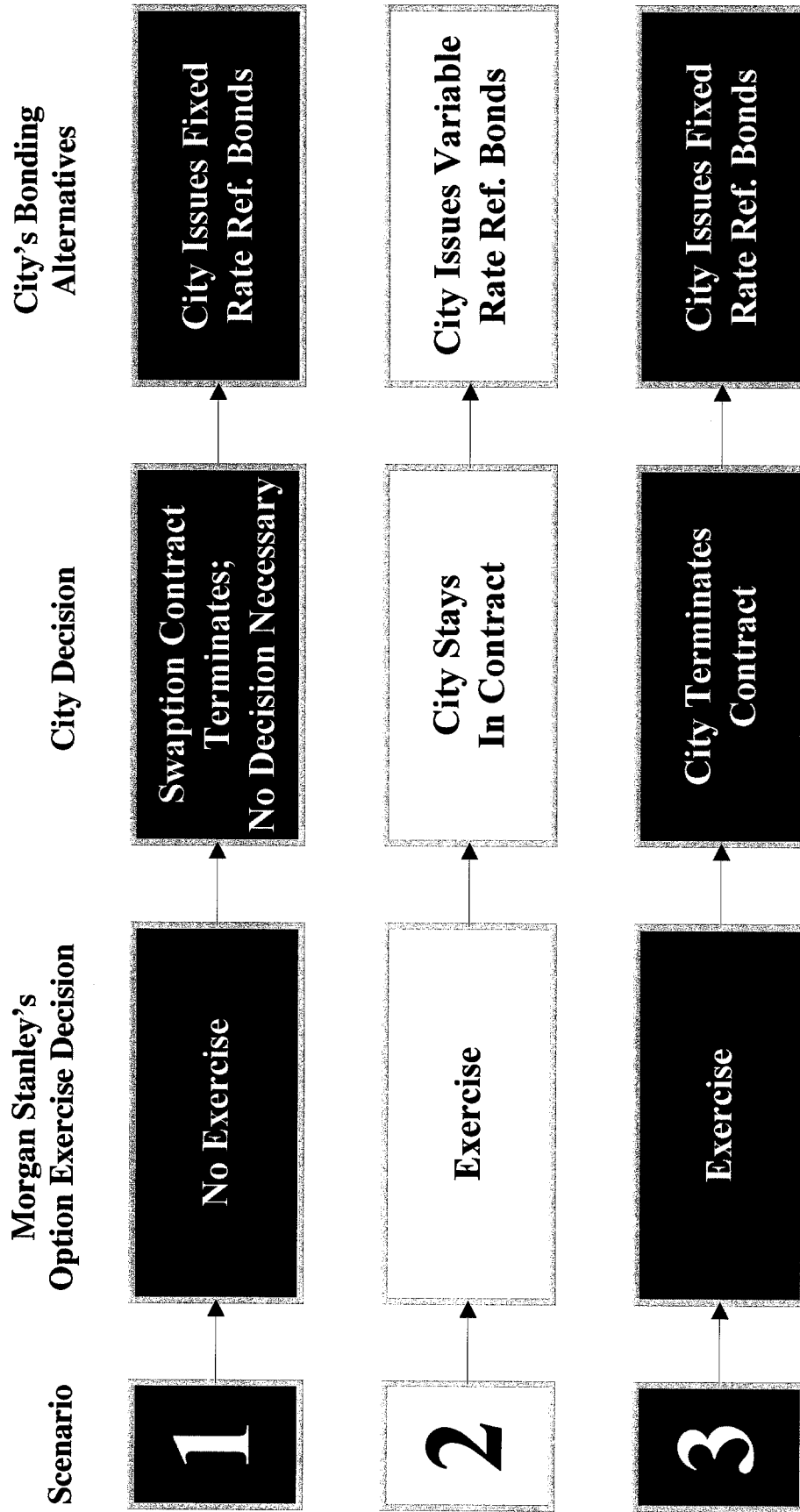


Forward Swap Option on Taxable Special Obligation Bonds (Pension Funding Project) Series 1994

- The City and Morgan Stanley entered into a forward swap option, or “swaption”, in March of 1996 with respect to the Series 1994 Bonds.
- The swaption is exercisable on August 1, 2005, with an effective date of September 1, 2005.
- In exchange for the swaption, the City received a cash payment of \$1.4 million in March of 1996.
- Under current market conditions, it is fully anticipated that the swaption will be exercised by Morgan Stanley
- This requires the City, by September 1, to either **A**) issue taxable variable rate refunding bonds to defease the Series 1994 Bonds and enter into the swaption agreement, or **B**) terminate the swaption at market, pay a termination payment and issue taxable fixed rate refunding bonds to defease the Series 1994 Bonds and fund the termination payment.
- A brief discussion of the possible decisions facing the City can be found on the following pages



Scenarios facing the City





Scenario 1: MSCM Does Not Exercise

(Highly Unlikely)

- Swapion contract terminates; City keeps \$1.4 million payment it received in 1996
 - City can leave Series 1994 Bonds outstanding;
- or
- City can refinance in today's low interest rate environment by issuing fixed rate refunding bonds
 - \$10 million PV savings or 23.7% PV savings of par refunded



Scenario 2: MSCM Exercises Option and City Stays in Contract

- City issues taxable floating rate bonds; enters into long-term swap agreement
- City's resulting debt service obligation is essentially unchanged relative to Series 1994 debt service
- City exposed to the following risks:
 - Liquidity facility renewal risk
 - Counterparty risk
 - Basis risk
- Additional staff time needed to manage variable rate program
- All savings were realized in 1996 via \$1.4 million payment to City by MSCM
 - No additional savings are realized today; some costs incurred result in minor cashflow dissavings (estimated at \$100,000)
 - Cashflow dissavings could be higher or lower, due to basis risk and future liquidity costs



Scenario 3: MSCM Exercises Option and City Terminates Swap Contract

- City issues taxable fixed rate refunding bonds to refund 1994 Bonds and pay termination payment
- City's resulting debt service obligation is essentially unchanged relative to Series 1994 debt service
- All savings were realized in 1996 via \$1.4 million payment to City by MSCM
 - No additional savings anticipated; some costs incurred result in minor cashflow dissavings (estimated at \$350,000)

Advantages of Scenario 3:

- Eliminates basis risk
- Eliminates counterparty risk
- Eliminates liquidity facility renewal risk
- Eliminates staff time and effort managing variable rate program

**RESOLUTION AND ATTACHMENTS TO BE SUBMITTED
UNDER SEPARATE COVER**

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution approving a settlement agreement and release, between the City and St. Paul Travelers on behalf of itself and of Regosa Engineering, Inc., in full and final settlement and release of all City claims for damages against both entities for the scope of work for the pool portion of the Normandy Isle Park and Pool Improvement Project ; accepting the payment, in the amount of \$475,000.00; and appropriating said amount to provide sufficient funding to complete the Project.

Issue:

Shall the City Commission accept the payment and appropriate the funding to complete the Pool portion of the Normandy Isle Park and Pool project?

Item Summary/Recommendation:

On September 1, 2000, Invitation to Bid No. 136-99/00 was issued for the construction of the Normandy Isle Park and Pool project. On January 31, 2001, the Mayor and City Commission rejected all bids due to them coming in over budget and subsequently issued a Request for Proposal (RFP) for the construction of the Project. On March 20, 2002, the City Commission awarded the construction of the Project to Regosa Engineering, Inc. Some of the project components, such as the multi-purpose court, soccer field renovations, and site landscaping and irrigation, were not funded at the time. Notice to Proceed, essentially the commencement of construction activities, was issued on June 9, 2002.

Since the commencement of construction, several delays related to coordination, unforeseen conditions, and deletions arose. On May 5, 2004, the City Engineer issued a Notice of Default, which the City Commission certified on June 5, 2004. Also included in the June 5, 2004 Resolution was the authorization for the City to invoke the performance bond as a result of Regosa's default. On June 16, 2004, Regosa and its Surety, The St. Paul Guardian Insurance Companies (the Surety), were given formal written notification that the prosecution of work for the Project was removed from Regosa and a specific demand against the Performance Bond was made. Regosa demobilized from the site as of July 15, 2004. On April 20, 2005, the City Commission appropriated \$561,269 from the North Beach Quality of Life Fund and up to \$558,149 from the Parking Fund, for a total of \$1,119,418. Once the Project is completed, as many of these funds as possible were to be reimbursed with the money received from the Surety during the settlement negotiation process.

On June 22, 2005, the City met with the Surety to seek full remedies under the law against the Surety and Regosa for any and all costs incurred to finish the Project. The City submitted a claim, which included incurred related costs and applied liquidated damages. The parties negotiated, reached an agreement, and executed a Settlement Agreement and Release. Pursuant to the Agreement, the Surety shall pay the City of Miami Beach (City) \$475,000.00, within fifteen (15) days of the date of approval of agreement by the Miami Beach City Commission, in full and final settlement of all City claims for damages against Regosa and the Surety. All the remaining funds in the account for the Project are free to be used by the City to complete the Project. However, the Project still shows a shortfall, the majority of which are not subject to reimbursement by the Surety, which will be provided from the April 20, 2005 Commission appropriation. The Administration is prepared to continue with the pool portion of the Project while completing the park portion.

Advisory Board Recommendation:

NA

Financial Information:

Source of Funds:				
		Amount	Account	Approved
	1	\$475,000	Settlement Agreement with St. Paul Guardian Insurance Companies	
Finance Dept.	Total	\$475,000		

City Clerk's Office Legislative Tracking:

M. Alexandra Rolandelli

Sign-Offs:

Department Director	Assistant City Manager	City Manager
JECh	TH	

N-NIPk&Pool-02-07072005

AGENDA ITEM

R7E

DATE

7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE CITY OF MIAMI BEACH AND ST. PAUL TRAVELERS, ON BEHALF OF ITSELF AND OF REGOSA ENGINEERING, INC., IN FULL AND FINAL SETTLEMENT OF ALL CITY CLAIMS FOR DAMAGES AGAINST BOTH ENTITIES FOR THE SCOPE OF WORK FOR THE POOL PORTION OF THE NORMANDY ISLE PARK AND POOL IMPROVEMENT PROJECT; ACCEPTING PAYMENT, IN THE AMOUNT OF \$475,000.00; AND APPROPRIATING SAID AMOUNT TO PROVIDE SUFFICIENT FUNDING TO COMPLETE THE PROJECT.

FUNDING:

Pursuant to the Settlement Agreement and Release, executed on June 22, 2005, St. Paul Travelers (the Surety) shall pay the City of Miami Beach (City) \$475,000.00, within fifteen (15) days of the date of approval of agreement by the Miami Beach City Commission, in full and final settlement of all City claims for damages against Regosa Engineering (Regosa) and the Surety. This funding is unallocated and would be available for use on this project.

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS:

Pursuant to approval by the citizens of the \$15 Million General Obligation Bond for the improvements to the City's parks on November 8, 1994, the City contracted with The Corradino Group, Inc. (Corradino) to develop the plans and specifications for the Normandy Isle Park and Pool Facility Improvements (the Project). The Project included construction of new restrooms and shower facilities, multi-purpose activity building, outdoor trellis shade areas, and a concession building. Also included are a new pedestrian promenade to traverse the length of the park; new landscaping and irrigation, including a new multi-purpose court; a decorative perimeter fence with new entry gate features; on-street parking; and sidewalk improvements.

On September 1, 2000, Invitation to Bid No. 136-99/00 was issued. On March 20, 2002, the City Commission adopted Resolution 2002-24800, awarding the construction of the Project to Regosa Engineering, Inc., pursuant to the Request for Proposal No. 21-00/01, in the amount of \$2,264,000; and appropriated additional funds to complete the construction. Some of the project components, such as the multi-purpose court, soccer field renovations, and site landscaping and irrigation, were not funded at the time. Notice to Proceed, was issued to Regosa on June 9, 2002.

Since the commencement of construction, several delays related to coordination, unforeseen conditions, and deletions arose. The Administration tried to work with Regosa, including the issuance of a unilateral deductive change order to remove the Park portion of the Project from the Scope of Work, and reviewing a recovery plan and schedule to accelerate the completion of the Pool portion of the Project. Finally, pursuant to Article 8.8 of the City's Agreement with Regosa, on May 5, 2004, the City Engineer issued a Notice of Default, and on June 9, 2004, the City Commission adopted Resolution 2004-25595, accepting the Certification of Default issued by the City Engineer. This action also authorized the City Manager to enter into any agreements for the completion of work, as long as funding had been appropriated for the work.

Also included in the June 9, 2004 Resolution was the authorization for the City to invoke the performance bond as a result of Regosa's default. On June 16, 2004, Regosa and its Surety, The St. Paul Travellers (the Surety), were given formal written notification that the prosecution of work for the Project was removed from Regosa and a specific demand against the Performance Bond was made. Regosa demobilized from the site as of July 15, 2004.

The Administration held meetings in the remainder of 2004 with the Surety to reach an understanding of the existing conditions and to agree on the decisions to complete the Project. Regosa; Corradino, the Architect-of-Record; and URS, the City's Program Manager, were also participants in these meetings. Per the Surety's request, the CIP Office forwarded all documentation related to the Project and gave responses to all inquiries. The Construction Documents submitted to the Surety included a report recommending a course of action for all the non-conforming work identified by Corradino.

On December 9, 2004, in response to a Second Notice of Demand to honor the claim, the Surety acknowledged receiving all the documents. On January 21, 2005, the Surety responded that they would complete the Normandy Isle Pool project through a completing contractor and under a full reservation of all rights and defenses under the Contract and Bond. On February 3, 2005 CIP Staff, URS and Corradino representatives met, at the site, with the construction consultant (Qualex) representing the Surety. A walk-through and a subsequent meeting were held, with the intention to determine the content of the Invitation-To-Bid (ITB). On March 18, 2005, the Surety again stated that they continued to move forward with performing diligent investigation to uphold its obligations under the bond. In addition, per the Surety's request, the City forwarded a list of the JOC Program Contractors

to be included in the list of Contractors invited to participate in the bid process. On April 8, 2005, Qualex issued an ITB package and received responses by the end of May 2005.

The current balance in the Purchase order for Regosa is \$1,198,820. Costs have been incurred related to the discussions with the Surety, which include clean up of the site, additional work by Corradino to provide submittals to the Surety, and additional work by URS. These costs total \$235,000. The City made a claim against the Surety for these costs.

In order to complete the project, there are additional soft costs for the Construction Administration services for Corradino. At this time, these soft costs are estimated to be approximately \$75,000. These fees were also part of the claim to the Surety.

In the meantime, in order to expedite the completion of the Project, the Administration submitted the construction documents and information to a Job Order Contracting (JOC) Program contractor to independently price the pool portion of the Project. The construction cost, if the City were to independently complete the construction with a JOC contractor, is \$1,549,990, based on the price proposal they submitted. In addition the City is estimating a contingency of \$300,000 which may be required to complete the Project. This contingency though cannot be part of the Surety claim under the conditions of the Bond.

On April 20, 2005, the City presented a Resolution to the City Commission requesting an appropriation on the basis of the JOC proposal for completion of the project which also included the contingency amount as well as other expected soft costs in order to commence completion of the construction in the event negotiations with the Surety on the claim on the Bond were not successful. The City Commission adopted the Resolution and appropriated \$561,269 from the North Beach Quality of Life Fund and up to \$558,149 from the Parking Fund, for a total of \$1,119,418, which were the estimated total funding needed to complete the Project at the time. Once the Project is completed, as many of these funds as possible will be reimbursed with the money received from the Surety during the settlement negotiation process.

On June 22, 2005, the City met with the Surety to seek full remedies under the law against the Surety and Regosa for any and all costs incurred under the conditions of the Bond to complete the Project. The Surety indicated that it would not complete the Project with a replacement contractor unless the City executed a waiver of rights and a take over Agreement. Upon advice of legal counsel, the City declined to execute such an Agreement thus making cash settlement the only viable option.

The City submitted a claim, which included incurred related costs and applied liquidated damages. The amount presented to the Surety during the negotiations included the expended costs to prepare the project for completion, liquidated damages based on the delays the Project incurred, the difference between the remaining amount in the Regosa Purchase Order and the JOC proposal to complete the Project and the additional fees to

Corradino.

During the negotiations, the City agreed to waive half of the liquidated damages in recognition that not all delays may have been the responsibility of Regosa and therefore could not be recovered by a claim to the Bond. In addition, both parties agreed to reduce the expected, estimated additional consultant fees to half of the estimate and the City will proceed to negotiate with Corradino on this basis for their future performance. The amount resulting from these negotiations is \$142,000. Finally, the City made a final claim of \$512,000 to which the Surety offered a counter offer of \$475,000. At this time, both parties, in the interest of achieving closure on the claim and to proceeding forward with the completion of the Project agreed to this final amount.

The settlement includes the use of the complete amount of funds remaining in the Regosa Purchase Order. The parties then prepared and executed a Settlement Agreement and Release (Attached). Pursuant to the Agreement, the Surety shall pay the City of Miami Beach (City) \$475,000.00, within fifteen (15) days of the date of approval of the Agreement by the Miami Beach City Commission, in full and final settlement of all City claims for damages against Regosa and the Surety. All the remaining funds in the account for the Project are free to be used by the City to complete the Project.

After the final settlement with the Surety, the Project still shows a shortfall in funding, the majority of which is not subject to reimbursement by the Surety: Below is a table which explains the amounts which were part of the claim and the negotiations:

Current Project construction costs per JOC proposal	\$1,549,990
Incurred costs by A/E, URS, and site cleanup	\$235,000
Additional A/E fees estimated to complete the Project	\$75,000
Sub-total	\$1,859,990
Remaining funds in the Regosa Purchase Order	\$1,198,820
Sub-total	\$661,170
Final Settlement Agreement amount	\$475,000
Sub-total	\$186,170

The shortfall resulting from the settlement is within the standard range which can be expected in this type of negotiations and constitutes ten percent (10%) of the total claim. Additional staff costs and attorney's costs to continue the negotiations or to proceed to litigation would certainly have been more costly.

Funding for the shortfall will be provided from the Commission appropriation Resolution of April 20, 2005. In addition, the estimated contingency as well as additional fees for the Gordian Group, the JOC management firm, and additional CIP fees will be funded from the same previous appropriation to complete the Project. As stated before, these costs are not recoverable through a claim to a Bond and could not be part of the negotiations.

The Administration is prepared to continue with the pool portion of the Project while completing the park portion. Based on the settlement negotiation and Agreement, the City is prepared to issue Notice to Proceed to the JOC contractor immediately after Commission approval. Construction on the completion of the pool portion could resume by Fall 2005, after all documentation is completed. As some of the work completed by Regosa will have to be re-done, it is difficult to estimate exactly what the construction duration will be. However, staff currently estimates the Project duration will be approximately ten months, with an estimated completion for the Summer of 2006.

CONCLUSION:

The Administration recommends that the Mayor and City Commission adopt the Resolution, and approve a Settlement Agreement and Release between the City of Miami Beach and St. Paul Travelers, on behalf of itself and of Regosa Engineering, Inc., in full and final settlement and release of all City claims for damages against both entities for the scope of work for the pool portion of the Normandy Isle Park and Pool Improvement Project; accept the payment, in the amount of \$475,000.00; and appropriating said amount to provide sufficient funding to complete the Project.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE CITY OF MIAMI BEACH AND ST. PAUL TRAVELERS, ON BEHALF OF ITSELF AND OF REGOSA ENGINEERING, INC., IN FULL AND FINAL SETTLEMENT OF ALL CITY CLAIMS FOR DAMAGES AGAINST BOTH ENTITIES FOR THE SCOPE OF WORK FOR THE POOL PORTION OF THE NORMANDY ISLE PARK AND POOL IMPROVEMENT PROJECT; ACCEPTING PAYMENT, IN THE AMOUNT OF \$475,000.00; AND APPROPRIATING SAID AMOUNT TO PROVIDE SUFFICIENT FUNDING TO COMPLETE THE PROJECT.

WHEREAS, pursuant to approval by the citizens of the \$15 Million General Obligation Bond for the improvements to the City's parks on November 8, 1994, the City contracted with The Corradino Group, Inc. (Corradino) to develop the plans and specifications for the Normandy Isle Park and Pool Facility Improvements (the Project); and

WHEREAS, the Project included construction of new restrooms and shower facilities, multi-purpose activity building, outdoor trellis shade areas, and a concession building; and

WHEREAS, also included are a new pedestrian promenade to traverse the length of the park; new landscaping and irrigation, including a new multi-purpose court; a decorative perimeter fence with new entry gate features; on-street parking; and sidewalk improvements; and

WHEREAS, on September 1, 2000, Invitation to Bid No. 136-99/00 was issued; and

WHEREAS, on March 20, 2002, the City Commission adopted Resolution 2002-24800, awarding the construction of the Project to Regosa Engineering, Inc., pursuant to the Request for Proposal No. 21-00/01, in the amount of \$2,264,000; and appropriated additional funds to complete the construction; and

WHEREAS, some of the Project components, such as the multi-purpose court, soccer field renovations, and site landscaping and irrigation, were not funded at the time. Notice to Proceed, was issued to Regosa on June 9, 2002; and

WHEREAS, since the commencement of construction, several delays related to coordination, unforeseen conditions, and deletions arose; and

WHEREAS, the Administration tried to work with Regosa, including the issuance of a unilateral deductive change order to remove the Park portion of the Project from the Scope of Work, and reviewing a recovery plan and schedule to accelerate the completion of the Pool portion of the Project; and

WHEREAS, finally, pursuant to Article 8.8 of the City's Agreement with Regosa, on May 5, 2004, the City Engineer issued a Notice of Default, and on June 9, 2004, the City Commission adopted Resolution No. 2004-25595, accepting the Certification of Default issued by the City Engineer; and

WHEREAS, this action also authorized the City Manager to enter into any agreements for the completion of work, as long as funding had been appropriated for the work; and

WHEREAS, also included in the June 9, 2004 Resolution was the authorization for the City to invoke the performance bond as a result of Regosa's default; and

WHEREAS, on June 16, 2004, Regosa and its Surety, The St. Paul Travellers (the Surety), were given formal written notification that the prosecution of work for the Project was removed from Regosa and a specific demand against the Performance Bond was made; and

WHEREAS, Regosa demobilized from the site as of July 15, 2004; and

WHEREAS, the Administration held meetings in the remainder of 2004 with the Surety to reach an understanding of the existing conditions and to agree on the decisions to complete the Project; and

WHEREAS, Regosa; the A/E Consultant; and URS, the City's Program Manager, were also participants in these meetings; and

WHEREAS, per the Surety's request, the CIP Office forwarded all documentation related to the Project and gave responses to all inquires; and

WHEREAS, the Construction Documents submitted to the Surety included a report recommending a course of action for all the non-conforming work identified by the A/E Consultant; and

WHEREAS, on December 9, 2004, in response to a Second Notice of Demand to honor the claim, the Surety acknowledged receiving all the documents; and

WHEREAS, on January 21, 2005, the Surety responded that they would complete the Normandy Isle Pool project through a completing contractor and under a full reservation of all rights and defenses under the Contract and Bond; and

WHEREAS, on February 3, 2005 CIP Staff, URS, and the A/E Consultant representatives met, at the site, with the construction consultant (Qualex) representing the Surety; and

WHEREAS, a walk-through and a subsequent meeting were held, with the intention to determine the content of the Invitation-To-Bid (ITB); and

WHEREAS, on March 18, 2005, the Surety again stated that they continued to move forward with performing diligent investigation to uphold its obligations under the bond; and

WHEREAS, in addition, per the Surety's request, the City forwarded a list of the JOC Program Contractors to be included in the list of Contractors invited to participate in the bid process; and

WHEREAS, on April 8, 2005, Qualex issued an ITB package and received responses by the end of May 2005; and

WHEREAS, the current balance in the Purchase Order for Regosa is \$1,198,820; and

WHEREAS, costs have been incurred related to the discussions with the Surety, which include clean up of the site, additional work by Corradino to provide submittals to the Surety, and additional work by URS; and

WHEREAS, these costs total \$235,000; and

WHEREAS, the City made a claim against the Surety for these costs; and

WHEREAS, in order to complete the Project, there are additional soft costs for the construction administration services for the A/E Consultant; and

WHEREAS, at this time, these soft costs are estimated to be approximately \$75,000; and

WHEREAS, these fees were also part of the claim to the Surety; and

WHEREAS, in the meantime, in order to expedite the completion of the Project, the Administration submitted the construction documents and information to a Job Order Contracting (JOC) Program contractor to independently price the pool portion of the Project; and

WHEREAS, the construction cost, if the City were to independently complete the construction with a JOC contractor, is \$1,549,990, based on the price proposal they submitted; and

WHEREAS, in addition the City is estimating a contingency of \$300,000 which may be required to complete the Project; and

WHEREAS, this contingency though cannot be part of the Surety claim under the conditions of the Bond; and

WHEREAS, on April 20, 2005, the City presented a Resolution to the City Commission requesting an appropriation on the basis of the JOC proposal for completion of

the project which also included the contingency amount as well as other expected soft costs in order to commence completion of the construction in the event negotiations with the Surety on the claim on the Bond were not successful; and

WHEREAS, the City Commission adopted the Resolution and appropriated \$561,269 from the North Beach Quality of Life Fund and up to \$558,149 from the Parking Fund, for a total of \$1,119,418, which were the estimated total funding needed to complete the Project at the time; and

WHEREAS, once the Project is completed, as many of these funds as possible will be reimbursed with the moneys received from the Surety during the settlement negotiation process; and

WHEREAS, on June 22, 2005, the City met with the Surety to seek full remedies under the law against the Surety and Regosa for any and all costs incurred under the conditions of the Bond to complete the Project; and

WHEREAS, the Surety indicated that it would not complete the Project with a replacement contractor unless the City executed a waiver of rights and a take over Agreement; and

WHEREAS, upon advice of legal counsel, the City declined to execute such an Agreement thus making cash settlement the only viable option; and

WHEREAS, the City submitted a claim, which included incurred related costs and applied liquidated damages; and

WHEREAS, the amount presented to the Surety during the negotiations included the expended costs to prepare the project for completion, liquidated damages based on the delays the Project incurred, the difference between the remaining amount in the Regosa Purchase Order and the JOC proposal to complete the Project and the additional fees to the A/E Consultant; and

WHEREAS, during the negotiations, the City agreed to waive half of the liquidated damages in recognition that not all delays may have been the responsibility of Regosa and therefore could not be recovered by a claim to the Bond; and

WHEREAS, in addition, both parties agreed to reduce the expected, estimated additional consultant fees to half of the estimate and the City will proceed to negotiate with the A/E Consultant on this basis for their future performance; and

WHEREAS, the amount resulting from these negotiations is \$142,000; and

WHEREAS, finally, the City made a final claim of \$512,000 to which the Surety offered a counter offer of \$475,000; and

WHEREAS, at this time, both parties, in the interest of achieving closure on the claim and to proceeding forward with the completion of the Project agreed to this final amount; and

WHEREAS, the settlement includes the use of the complete amount of funds remaining in the Regosa Purchase Order; and

WHEREAS, the parties then prepared and executed a Settlement Agreement and Release (pending approval by City Commission), herein attached; and

WHEREAS, pursuant to the Agreement, the Surety shall pay the City \$475,000.00, within fifteen (15) days of the date of approval of the Agreement by the Miami Beach City Commission, in full and final settlement of all City claims for damages against Regosa and the Surety; and

WHEREAS, all the remaining funds in the account for the Project are free to be used by the City to complete the Project; and

WHEREAS, after the final settlement with the Surety, the Project still shows a shortfall in funding, the majority of which is not subject to reimbursement by the Surety, in the amount of \$186,170.00; and

WHEREAS, the shortfall resulting from the settlement is within the standard range which can be expected in this type of negotiations and constitutes ten percent (10%) of the total claim; and

WHEREAS, additional staff costs and attorney's costs to continue the negotiations or to proceed to litigation would certainly have been more costly; and

WHEREAS, funding for the shortfall will be provided from the City Commission appropriation Resolution of April 20, 2005; and

WHEREAS, in addition, the estimated contingency as well as additional fees for the Gordian Group, the JOC management firm, and additional CIP fees will be funded from the same previous appropriation to complete the Project; and

WHEREAS, as stated before, these costs are not recoverable through a claim to a Bond and could not be part of the negotiations; and

WHEREAS, the Administration is prepared to continue with the pool portion of the Project while completing the park portion; and

WHEREAS, based on the settlement negotiation and subject to the City Commission approval of the Settlement Agreement and Release, the Administration is prepared to issue Notice to Proceed to the JOC contractor; and

WHEREAS, construction on the completion of the pool portion could resume by Fall 2005, after all documentation is completed; and

WHEREAS, as some of the work completed by Regosa will have to be re-done, it is difficult to estimate exactly what the construction duration will be; and

WHEREAS, however, staff currently estimates the Project duration will be approximately ten (10) months, with an estimated completion for the Summer of 2006.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve a Settlement Agreement and Release between the City of Miami Beach and St. Paul Travelers, on behalf of itself and of Regosa Engineering, Inc., in full and final settlement of all City claims for damages against both entities for the scope of work for the pool portion of the Normandy Isle Park and Pool Improvement Project; accept the payment, in the amount of \$475,000.00; and appropriate said amount to provide sufficient funding to complete the Project.

PASSED and ADOPTED this 6th day of July, 2005.

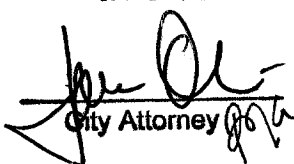
ATTEST:

CITY CLERK

MAYOR

T:\AGENDA\2005\Jul2705\Regular\Nipp - Pool - Settlement Reso.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

7/1/05

Date

SETTLEMENT AGREEMENT AND RELEASE

THIS Settlement Agreement and Release ("Agreement") is made and entered into this 22nd day of June, 2005 by and between the CITY OF MIAMI BEACH, a municipal corporation (hereinafter "MIAMI BEACH") and ST. PAUL TRAVELERS (hereinafter "ST. PAUL"), a foreign corporation, including its parent corporations, subsidiaries and affiliates, on its behalf as well as on behalf of REGOSA ENGINEERING, INC. (hereinafter "REGOSA"), collectively referred to as "THE PARTIES".

RECITALS

A. The Parties desire to settle all claims or disputes arising out of that Agreement for demolition of the existing pool structure and subsequent construction of a new pool structure consisting of a four lane lap pool, activity pool, locker rooms, concession building and associated offices at the Normandy Park Pool Facility, which project is commonly referred to as to as the "City of Miami Beach – Normandy Park Pool Facility, Project No. 21-00/01 (hereinafter the "Project").

B. ST. PAUL warrants and represents that it has full authority to execute this Agreement on behalf of REGOSA based upon an express assignment of REGOSA's rights under the Performance Bond.

C. MIAMI BEACH denies, and continues to deny any liability to ST. PAUL or REGOSA for any damages.

D. ST. PAUL, on its own behalf and behalf of REGOSA, deny, and continue to deny any liability to MIAMI BEACH for any damages.

E. MIAMI BEACH and ST. PAUL desire at this time to amicably adjust and forever settle MIAMI BEACH's damages' claim against ST. PAUL and any damages' claim by REGOSA and/or ST. PAUL against MIAMI BEACH.

NOW, THEREFORE, in consideration of the promises set forth herein and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

I. RECITALS

1. The foregoing Recitals are true and correct and incorporated herein by reference.

II. PAYMENT

2. ST. PAUL shall cause to be paid to MIAMI BEACH the sum of FOUR HUNDRED AND SEVENTY FIVE THOUSAND DOLLARS (\$475,000.00) within fifteen (15)

days of the date of approval of Agreement by the MIAMI BEACH CITY COMMISSION, in full and final settlement of all of MIAMI BEACH's claims for damages against REGOSA and ST. PAUL. The releases and all other conditions of this Agreement are contingent upon the payment of said amount. Payment shall be made by delivering to Rhonda Montoya Hasan, Esq., a cashier's check or ST. PAUL company draft payable to CITY OF MIAMI BEACH.

III. RELEASE

3.a. ST. PAUL, including its parent corporations, subsidiaries and affiliates and on behalf of REGOSA, hereby releases, acquits and forever discharges MIAMI BEACH including its parent and subsidiary corporations, affiliates and insurers, and its shareholders, directors, officers, employees, agents, and attorneys, together with any other person, partnership, firm or corporation in privity therewith, charged or chargeable with responsibility or liability, its heirs, executors, administrators, associates, representatives, successors, and assigns, from any and all past, present, and future claims, demands, obligations, damages, costs, expenses, actions and causes of actions, and whether for compensatory, punitive damages, or other damages arising from or relating to damages for delays in connection the above referenced Project.

3.b. MIAMI BEACH, a municipal corporation, hereby releases, acquits and forever discharges ST. PAUL and REGOSA, including their parent and subsidiary corporations, affiliates and insurers, and their shareholders, directors, officers, employees, agents, and attorneys, together with any other person, partnership, firm or corporation in privity therewith, charged or chargeable with responsibility or liability, their heirs, executors, administrators, associates, representatives, successors, and assigns, from any and all past, present, and future claims, demands, obligations, damages, costs, expenses, actions and causes of actions, and whether for compensatory, punitive damages, or other damages arising from or relating to damages for delays in connection the above referenced Project.

IV. DENIAL OF LIABILITY

4. It is understood and agreed that payment of the consideration expressed above is not an express or implied admission of negligence, misconduct, responsibility or liability on the part of ST. PAUL or REGOSA or anyone else, and that ST. PAUL and REGOSA expressly and specifically deny all such claims. Such consideration is being paid in order to compromise disputed claims so that the parties may forever avoid the expense, uncertainties, and hazards of litigation.

V. INDEMNIFICATION

5. ST. PAUL expressly agrees to indemnify and hold MIAMI BEACH harmless against any and all claims REGOSA may assert against MIAMI BEACH on the Normandy Park Pool Facility Project.

**VI.
ADDITIONAL DOCUMENTS**

6. All parties agree to cooperate fully and execute any and all supplementary documents and to take all additional actions which may be necessary or appropriate to give full force and effect to the basis and intent of this Settlement Agreement and Release.

**VII.
ENTIRE AGREEMENT AND SUCCESSORS IN INTEREST**

7. This Settlement Agreement contains the entire agreement between the parties. This Agreement replaces any prior or contemporaneous written or oral representation or understanding about the settlement. This Agreement may not be changed except in writing signed by the parties, or their respective attorneys. This Agreement shall be binding on and shall inure to the benefit of the respective successors and assigns, if any, of each party.

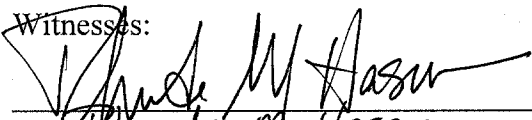
**VIII.
GOVERNING LAW**

8. This Agreement is being consummated in the State of Florida and the performance by the parties hereto is in the State of Florida. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The venue for any legal proceeding of any nature brought by either party against the other to enforce any right or obligation under this Agreement, or arising out of any matter pertaining to this Agreement, shall be in Dade County, Florida.

9. The parties warrant to each other that they have read this Settlement Agreement and that they understand that this Agreement is a full and final release of all claims of by and between MIAMI BEACH, ST. PAUL and REGOSA, and that each has been represented by counsel before signing this Settlement Agreement.

IN WITNESS WHEREOF, the parties have set their hands and seals on the day and date first written above.

Witnesses:


Rhonda M. Hasan
(print name)

ST. PAUL TRAVELERS


By: SALEH AL STEVENS
Associate Claim Counsel

Jose Damien
JOSE DAMIEN
(print name)

CITY OF MIAMI BEACH

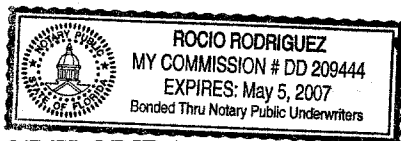
Timothy D. Hemstreet
By: TIMOTHY D. HEMSTREET
Assistant City Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 22nd day of June, 2005 by Saleh A. Stevens as Associate Claim Counsel of St. Paul Travelers, who is personally known to me or who has produced Maryland D.L. (type of identification).

Rocio Rodriguez
Name: Rocio Rodriguez
(Print Name)
Notary Public - State of Florida
My Commission Expires: May 5, 2007

(AFFIX NOTARY SEAL)

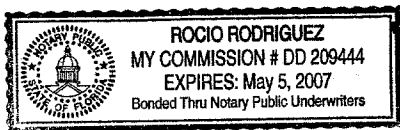


STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 22nd day of June, 2005 by Tim Hemstreet as Assistant City Manager of City of Miami Beach, who is personally known to me or who has produced n/a (type of identification) as identification.

Rocio Rodriguez
Name: Rocio Rodriguez
(Print Name)
Notary Public - State of Florida
My Commission Expires: May 5, 2007

(AFFIX NOTARY SEAL)



THIS PAGE INTENTIONALLY LEFT BLANK

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Resolution of the Mayor and City Commission of the City Of Miami Beach, Florida Amending the City's Special Event Permit Requirements and Guidelines, as originally adopted pursuant to Resolution No. 2001-24341, April 18, 2001.

Issue:

- Should the City adopt the attached changes to the requirements and guidelines for issuance of special event permits with specific direction provided to the Administration regarding the following items?
1. Should the City impose any restrictions upon special event permits for events held at GU zoned properties in residential districts (i.e South Pointe Park and Pier Park)?
 2. Should the City establish customary accessory uses for hotel properties and provide for no additional permitting for these customary uses?
 3. Should the City establish a citywide neighborhood certification process that clearly identifies associations for specific areas of the City?
 4. Should the City restrict fee waivers to 501(c)3 applicants/producers only and not to applicants who partner with non-profit organizations?
 5. Should all ages special event permits be permitted for alcoholic beverage establishments.

Item Summary/Recommendation:

Review of the City's special event guidelines began March 19, 2003 at the request of the City Commission. During the course of this review the City researched best practices of comparable cities such as Atlanta, Fort Lauderdale and San Diego. After careful review of the City's Ordinance, including consultation with City staff, residents, and the Planning Board, revisions have been made to the City of Miami Beach Special Event Permit Requirements and Guidelines that reflect best practices and also further develop strategies to monitor and enforce these policies.

The Administration recommends adopting the Resolution with the recommended changes provided by the Neighborhood/Community Affairs Committee and the Planning Board. The Administration is also seeking specific direction from the City Commission regarding issuance of special event permits for events held at GU zoned properties in residential districts and all ages special event permits to alcoholic beverage establishments.

Advisory Board Recommendation:

Neighborhood/Community Affairs Committee on November 3, 2004, December 21, 2004 and June 2, 2005. Additionally, the Planning Board held two public hearings, March 29th and April 26th.

Financial Information:

Amount to be expended:				
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 50px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2005\Jul\0605\Regular\Special Event Guideline Revisions_July 6 Commission SUMM.doc

AGENDA ITEM R7F
DATE 7-6-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE CITY'S SPECIAL EVENT PERMIT REQUIREMENTS AND GUIDELINES, AS ORIGINALLY ADOPTED PURSUANT TO RESOLUTION NO. 2001-24341, APRIL 18, 2001.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution with specific direction provided to the Administration regarding the following items:

1. Should the City impose any restrictions upon special event permits for events held at GU zoned properties in residential districts (i.e South Pointe Park and Pier Park)?
2. Should the City establish customary accessory uses for hotel properties and provide for no additional permitting for these customary uses?
3. Should the City establish a citywide neighborhood certification process that clearly identifies associations for specific areas of the City?
4. Should the City restrict fee waivers to 501(c)3 applicants/producers only and not to applicants who partner with non-profit organizations?
5. Should all ages special event permits be permitted for alcoholic beverage establishments.

ANALYSIS

Review of the City's special event guidelines began March 19, 2003 at the request of the City Commission. During the course of this review the City researched best practices of comparable cities such as Atlanta, Fort Lauderdale and San Diego. After careful review of the City's Ordinance, including consultation with City staff, residents, and the Planning Board, revisions have been made to the City of Miami Beach Special Event Permit Requirements and Guidelines that reflect best practices and also further develop strategies to monitor and enforce these policies. A full copy of the revised guidelines is attached for your review.

Revisions to the guidelines were most recently reviewed by the Neighborhood/Community Affairs Committee on November 3, 2004, December 21, 2004 and June 2, 2005. To date,

three community meetings, including one meeting with the hotel industry, were held to solicit feedback and comments on the proposed changes. Additionally, at the December 21, 2004 Neighborhood/Community Affairs Committee the proposed Special Event Guidelines were referred to the Planning Board for review and comment. The Planning Board held two public hearings, March 29th and April 26th, where comments included the following:

- restricting nonconforming event uses in residential zones (restricting expansion in scope or intensity of nonconforming use)
- the need to create additional enforcement and sanitation capability paid for by client/producer of the event
- a review of both the Lummus Park and Lincoln Road User fees
- preservation of public access at the street ends in Lummus Park to the dune crossovers
- regulate vehicle staging at Lummus Park
- footprints and duration of any event must be limited
- discourage all ages event since City has made efforts to address this issue
- creating standard designs for event enclosures
- enforce existing regulations
- limit or prohibit commercial events in residential neighborhoods
- ensure neighborhood organizations who comment on special events applications have a method of getting timely information to and from their members that can be validated
- post the guidelines and conditions at each special event site
- evaluate the operator of the event, and maintain records on those who are issued violations
- create a database of events for tracking of performance and also for public information
- create a page on the City web site to inform public, as well as provide email address to submit comments/complaints
- create a field inspector position to ensure events are prepared, set up, run and removed properly.

The Planning Board subsequently passed a motion recommending adoption with the following comments:

1. A greater attention is needed for an enforcement mechanism (field monitor and/ or off-duty code compliance).
2. City needs to be more proactive; enforcement should not be citizen complaint driven.
3. Balance the fees among different events to ensure fairness, and so as not to drive out smaller events with large fees.
4. Planning and communication are just as vital as enforcement.
5. Establish neighborhood certification process.

SUMMARY OF EXISTING STANDARD REQUIREMENTS

A City of Miami Beach Special Events Permit is required for any organized event which takes place on public property, or private property. Applicants who wish to hold a special event must submit to the Tourism and Cultural Development Department a completed Special Event Application. The City Manager may, at his/her discretion, reduce or waive the submission periods for a particular event when such waiver is found to be in the best interest of the City. The City Manager or the Manager's designee will determine specific requirements for the event, and City Departments will determine minimum-staffing levels needed to ensure the events success.

Special Events Applications are subject to review by, and applicants are required to present their plans to, the corresponding neighborhood association(s) corresponding to the geographic area where the event is proposed. The City will identify appropriate neighborhood associations for this review.

The City Manager will make a final determination on an application when all requirements are fully completed by the applicant, including payment for City services. No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event. All approved permits must be available for inspection on site at all times.

The minimum requirements to apply for a Special Events Permit are:

- a completed application and a \$250.00 non-refundable application fee;
- a \$250.00 Permit Fee, refundable if application is denied;
- a minimum \$2,500.00 refundable Security Deposit, and depending upon the scope and nature of the proposed event, the Deposit may be increased;
- an original notarized, completed Indemnity Agreement;
- a Certificate of Insurance per occurrence for at least \$1,000,000 US dollars in general liability coverage, naming the City of Miami Beach as an additional insured and policy holder;
- a detailed site plan for the event, showing all temporary installations, in relation to the surroundings; and
- a completed questionnaire describing the event.

HIGHLIGHTS OF THE REVISIONS AND NEW REQUIREMENTS

The aforementioned recommendations along with those previously discussed by the Neighborhood/Community Affairs Committee were referred to the City Commission and where applicable have been included in the attached guidelines. In order to continue facilitation of events that enhance the City of Miami Beach, language has been clarified

and new requirements have been added to the Special Events Permits Requirements and Guidelines. The following highlights significant amendments to the guidelines:

- 1) Establishment of a new definition of a special event as a temporary use on public or private property that would not be incidental generally or without restriction throughout a particular zoning district, but would be incidental if controlled with special review in accordance with this section.
- 2) The guidelines also establish customary accessory uses for hotel properties, such as weddings, bar/bat mitzvahs, anniversaries, holiday events, networking events, proms, political functions, etc., and provide for no additional permitting for these customary uses. This provision was agreed to by the residential and hotel community during the course of this review and most recently at the June 2, 2005 Neighborhood/Community Affairs Committee meeting.

Since the last Neighborhoods/Community Affairs Committee meeting some members of the community have expressed concerns with this provision.

- 3) Restrict issuance of special event permits to non-conforming properties in residential districts. The following language has been incorporated into the guidelines:
 - i) **Non-conforming uses in residential districts** are prohibited from obtaining special event permits. Additionally, consistent with Section 142-693 (c), Section 142-302, and Section 142-485 of the City Code, special event permits will not be issued to non-conforming properties south of Fifth Street or in the area generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south.
 - ii) In light of this recommendation, the Administration is seeking guidance from the Commission regarding issuance of special event permits for events held at GU zoned properties in aforementioned residential districts (i.e. special event permits are often requested for South Pointe Park and Pier Park - Nikki Beach). Section 142-693 (c), Section 142-302, and Section 142-485 of the City Code do not address GU zoned properties.
- 4) The Committee discussed fee waivers and determined that they should only be offered to applicants who are 501(C) 3 non-profit entities and not to applicants who partner with a non-profit in order to receive the benefit.
- 5) Major Event Periods have been added to guidelines as per the City's adopted Major Event Plan. During these predetermined periods the City may prohibit the issuance of special event permits.

- 6) Criteria have also been added for granting permits, which consider the aspects of the event, economic impact, infrastructure and service demands, references, and promotional value.
- 7) The Committee directed staff to begin working toward establishing citywide neighborhood certification process and criteria similar to the process followed by the City of Fort Lauderdale. This process requires coordination with Neighborhood Services Department and development of criteria. In the meantime, the Administration will continue with the current procedure of review by the corresponding neighborhood/business association.
- 8) The City's Vehicle Beach Access Policy has been included in the guidelines.
- 9) Applicants cannot receive more than 5 permits in a calendar year. Additionally, language was added in the Consecutive Day Clause section to allow applicants the ability to host additional events during citywide event or convention periods.
- 10) The Committee felt that increasing the security deposit for not-for-profit and longstanding events would be too much of a burden and requested that this be added to the Grandfather Clause in the guidelines. The guidelines were amended to grandfather security deposits at \$2,500 for Art Deco Weekend and Miami Beach Festival of the Arts.
- 11) Immediate fines have been added for violations of conditions imposed by the Special Event Permit. The first offense a fine of one thousand dollars (\$1,000); for second offense a fine of three thousand dollars (\$3,000), and for the third offense and subsequent offenses a fine of five thousand dollars (\$5,000) or arrest.
- 12) Develop off-duty code enforcement and sanitation requirement paid for by client/producer of the event. The details of this program are currently being developed, but the intention is to require more oversight during load-in/out and event hours to ensure compliance and to reduce the number of complaints received from the public.
- 13) Require park user fees similar to Lummus Park for all events in parks (i.e. South Pointe Park, Collins Park, North Shore Open Space Park) – Language has been added to the guidelines establishing a special event impact fee for all events taking place at a City Park. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used exclusively for enhancements to the Park.
- 14) Require posting of special event permit in conspicuous location. Language has been added to the companion Ordinance amendment addressing this recommendation.

- 15) Require directional signage to the beach when public access at dune crossover is blocked. Language has been added to the attached guidelines reflecting this requirement.
- 16) Research potential for implementing ordinance that requires venues, during Major Event Periods, to disclose to the City planned activities, whether or not they need a special event permit.
- 17) Develop application questionnaire for off-duty Police requests.
- 18) The Neighborhood/Community Affairs Committee also discussed all ages special event permits to alcoholic beverage establishments. In light of the efforts being made to address quality of life issues the Committee referred this item to the City Commission for discussion. By way of background, in 2002 Level Nightclub approached the City to permit an all ages event and the City Commission denied the request. Currently, full service restaurants may serve all ages, but nightclubs cannot.
 - i) Suggested use is the issuance of a special event permit to alcohol beverage establishments of 10,000 square feet or larger, no more than two times per year, for all-ages events. Alcohol may be served at such events, but in a physically separate area, and patrons eligible for service of alcohol must be banded.
 - ii) Establishments seeking a special event permit for all-ages events must not have violated Section 6-5 (Patron Age Restriction) of the City Code within the last year.

Note: This item was included at the request of the Nightlife Industry Task Force primarily to allow for all-ages concerts at nightclub venues.

JMG/TH/mas

T:\AGENDA\2005\Jul0605\Regular\Special Event Guideline Revisions_July 6 Commission Reso.doc

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING
THE CITY'S SPECIAL EVENT PERMIT REQUIREMENTS
AND GUIDELINES, AS ORIGINALLY ADOPTED
PURSUANT TO RESOLUTION NO. 2001-24341, APRIL 18,
2001.**

WHEREAS, on April 18, 2001, the City Commission adopted Resolution No. 2001-24341, establishing procedures and criteria for the management of permits for special events in the City through the adoption of the Special Event Permit Guidelines (the Guidelines); and

WHEREAS, on March 19, 2003, the City Commission requested further review of the City's Guidelines; and

WHEREAS, for the purpose of guiding persons holding special events so that they work in harmony with all aspects of the Miami Beach community, it is necessary to enact regulations that further define the terms and conditions under which special events may be held; and

WHEREAS, it is necessary to provide an orderly arrangement for the use of public facilities and public resources and to minimize disruption to the impacted surrounding environment by persons holding special events; and

WHEREAS, it is necessary to protect the public health, safety and welfare from potential problems associated with special events; and

WHEREAS, detailed revisions to the Special Event Permit Requirements and Guidelines are provided in the attachment.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and adopt the attached amendments to the City's Special Event Permit Requirements and Guidelines, as originally adopted pursuant to Resolution No. 2001-24341, on April 18, 2001.

PASSED and ADOPTED this, the _____ day of _____, 2005.

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



Tourism and Cultural Development

SPECIAL EVENT PERMIT REQUIREMENTS AND GUIDELINES

The City of Miami Beach hosts a wide variety of special events that enrich the community for both visitors and residents. To mitigate the ever-increasing demands made upon City resources and infrastructure applicants are required to present proposed special event activities to potentially impacted neighborhood associations and appropriate City departments to ensure that these events are compatible with the surrounding neighborhoods. This process assists in evaluating and assessing the City's resources, both in terms of personnel and use of public property and right-of-way, to adequately protect public safety, health and welfare of the community.

This review may also require a more detailed and coordinated Major Event Plan, especially during holiday or repeat event periods that have a high impact on City services. The Special Events Ordinance and the Special Event Permit Requirements and Guidelines are intended, insofar as possible, to mitigate the costs of City services to special events, although it is not the intention that the costs of special events permit fees be used for revenue generation.

The intent of the Special Event Ordinance and the Special Event Permit Requirements and Guidelines is two fold:

- To insure the City will have adequate advance notice of a proposed special event and the cooperation of the organizers to adequately plan City services, such as security, sanitation, parking, and traffic control, that may be required for such an event.
- to insure that the City's beach, parks and public right-of-ways are protected and conserved, by limiting the number and type of events held in these areas; and
- to preserve the City's commitment to attract quality events with significant cultural and entertainment enrichment for the community at-large.

This Special Event Permit Requirements and Guidelines package has been designed to help guide applicants through the process of applying for a special events permit, and to minimize disruption to the impacted surrounding environment. The Special Events Coordinator will assist in reviewing the requirements and guidelines referred to herein to ensure a successful event.

City of Miami Beach
Department of Tourism and Cultural Development
1700 Convention Center Drive
Miami Beach, FL 33139
(305) 673-7577 phone
(305) 673-7063 fax
odalysmon@miamibeachfl.gov

TABLE OF CONTENTS

	Page(s)
INTRODUCTION	1
Table of Contents	2-3
I. APPLICATION PROCEDURE	4-13
A. STEP 1: APPLICATION AND QUESTIONNAIRE FORM	4
I. EVENTS ON PUBLIC PROPERTY	
II. EVENTS ON PRIVATE PROPERTY	
III. BEACHFRONT CEREMONIES AND WEDDINGS	
IV. MARKETS	
V. PRODUCT PROMOTIONS	
VI. RIDES AND AMUSEMENTS	
VII. MINIMUM REQUIREMENTS	
• APPLICATION/PROCESSING FEE	
• PERMIT FEE	
• SECURITY DEPOSIT	
• INDEMNITY AGREEMENT	
• INSURANCE REQUIREMENTS	
• SITE PLAN	
B. STEP 2: INTERNAL REVIEW PROCEDURE	7
I. MAJOR EVENTS PLAN (MEP)	
• MAJOR EVENTS PERIODS	
• MAJOR EVENT COMMITTEE	
II. CRITERIA FOR GRANT OF PERMIT	
III. CRITERIA FOR APPROVAL OF PERMIT	
IV. NATURAL DISASTER/WEATHER	
C. STEP 3: EXTERNAL REVIEW PROCEDURE	13
D. STEP 4: COORDINATION OF CITY SERVICES	13 - 14
II. ADHERENCE TO REGULATIONS AND OTHER POLICIES	14-19
A. BEACH VEHICLE ACCESS POLICY	15
B. BOOKING POLICY	15
I. CONSECUTIVE DAY CLAUSE	
C. CONCESSION AGREEMENTS	16
D. USE OF PUBLIC PROPERTY	17
E. EVENT SIGNAGE	17
I. SPECIAL EVENT BILLBOARD SIGNS	
II. STREET BANNERS	
III. LIGHTPOST BANNERS	
F. GRANDFATHER CLAUSE	18
G. RESORT TAX	18
H. SPONSORSHIP REQUIREMENTS	18 - 19
III. ENFORCEMENT AND PENALTIES	19
IV. CITY OF MIAMI BEACH AGENCIES	19-28
A. BUILDING DEPARTMENT	19
I. BUILDING PERMITS AND ELECTRICAL PERMITS	
II. AMERICANS WITH DISABILITIES ACT	
B. CODE COMPLIANCE	21
I. FIELD INSPECTOR	
II. SIGNS, FLYERS AND HANDBILLS	
III. NOISE ORDINANCE	
C. FIRE DEPARTMENT	22
I. OFF DUTY FIRE AND PARAMEDIC SERVICES	
II. ENCLOSED EVENT SITE AND OCCUPANT LOAD	
III. FIREWORKS PERMIT	
IV. OPEN PIT AND BONFIRE PERMIT	
D. MIAMI BEACH CONVENTION CENTER	23
E. OCEAN RESCUE	24
F. PARKING DEPARTMENT	24
G. PARKS & RECREATION DEPARTMENT	24
I. FACILITIES & PERSONNEL	
II. PARK USER FEES & LINCOLN ROAD USER FEE	
H. POLICE DEPARTMENT	25
I. SECURITY PLAN AND SERVICES	

Special Events Permit Requirements and Guidelines

•	OVERNIGHT & BACKSTAGE SECURITY	
•	MARINE PATROL	
•	POLICE ESCORTS FOR ENTERTAINMENT	
II.	STREET CLOSURES	
III.	BARRICADES & ELECTRONIC SIGNS	
IV.	PARADE REQUIREMENTS	
V.	DEMONSTRATIONS & FREE SPEECH ACTIVITIES	
I.	PROPERTY MANAGEMENT	27
J.	PUBLIC WORKS DEPARTMENT	27
K.	SANITATION	28
V.	OTHER AGENCIES	28-31
A.	MIAMI BEACH VCA and CAC	28
B.	MIAMI DADE COUNTY	28
•	PERMIT FOR TEMPORARY FOOD SALES	
•	BEACH CLEANING	
C.	STATE OF FLORIDA	29
•	DEPARTMENT OF ENVIRONMENTAL PROTECTION	
•	DIVISION OF STATE LANDS	
•	FLORIDA MARINE PATROL	
•	DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO	
•	FLORIDA DEPARTMENT OF TRANSPORTATION	
D.	FEDERAL GOVERNMENT	30
•	FEDERAL AVIATION ADMINISTRATION	
•	COASTGUARD	
VI.	APPENDIX	
A.	SPECIAL EVENT APPLICATION AND QUESTIONNAIRE	32-43
B.	BEACHFRONT CEREMONIES QUESTIONNAIRE	44
C.	MIAMI BEACH CONVENTION CENTER EVENT QUESTIONNAIRE	45 - 47
D.	SIGNATURE SURVEY	48
E.	FEE SCHEDULE	49 - 50
F.	CONTACT DIRECTORY	51 - 52

CITY OF MIAMI BEACH

I. APPLICATION PROCEDURE

A City of Miami Beach Permit is required for special events, which is defined as a temporary use on public or private property that would not be incidental generally or without restriction throughout a particular zoning district, but would be incidental if controlled with special review in accordance with this section. Applications are processed on a first come, first serve basis unless otherwise provided for under the booking policy herein (Section II. B).

Deleted: appropriate

A. STEP 1. Application and Questionnaire Forms

All persons or entities interested in conducting a special event must complete an application and questionnaire listing all required information. Please refer to Appendix A for a copy of the application.

I. EVENTS ON PUBLIC PROPERTY

All events taking place on public property, whether produced by a not-for-profit or for profit entity, including but not limited to, festivals, parades, performances, and broadcasts require a special event permit from the City of Miami Beach. Applications and questionnaires must be submitted with a minimum of SIXTY (60) days notice in order to process prior to the planned event.

Deleted: All persons or entities interested in conducting a special event must complete an application and questionnaire (please refer to attached Appendix A) listing all required information.

II. EVENTS ON PRIVATE PROPERTY

Applications and questionnaires for events proposed to take place on private property where such event would be considered a 'special event' under the City Code and these guidelines, require a minimum of THIRTY (30) days notice prior to the planned event.

Events or activities that do not require special event permits are recurring activity that is typically not open to the general public and is customary and incidental to a permitted main or accessory use, whether by paid admission or not and require no additional permitting.

Examples of customary uses for hotel properties include, but are not limited to, Weddings; Bar Mitzvah; Bat Mitzvah; Anniversaries; Baby Showers; Engagement parties; Wedding Showers; Holiday events; Awards functions; Networking Events; Fund Raisers; Charity Events; Incentive group functions (meetings, etc.); Corporate group functions (meetings); Convention group functions (meetings); Community based organization meetings; Reunions; Prom; Seminars; Sweet Sixteen; Press Conferences; Product Announcements; Political functions (including kick offs, election night or during a campaign).

Special Event uses are non-recurring events or activities that have extraordinary or excessive impacts on public health, safety or welfare, not normally associated in type or quantity with permitted main or accessory uses. For example,

- When temporary structures are erected (South Beach Food and Wine Festival's "Bubble Q", Art Basel), etc.), or

- when a temporary occupant load is required, or
- television, entertainment events or casting calls open to the public (American Idol), or
- musical performances (Winter Music Conference).

Conditional uses are recurring activities open to the general public, whether by paid admission or not, identified in the City's Land Development Regulations requiring a public hearing (e.g., Neighborhood Impact Establishments or Outdoor Entertainment Establishments such as Sky Bar, Raleigh Hotel Sunday Soiree, etc.).

Non-conforming uses in residential districts are prohibited from obtaining special event permits. Additionally, consistent with Section 142-693 (c), Section 142-302, and Section 142-485 of the City Code, special event permits will not be issued to non-conforming properties south of Fifth Street or in the area generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south.

III. BEACHFRONT CEREMONIES AND WEDDINGS - A Special Events Permit will be required for beachfront ceremonies that include the set-up of temporary structures (e.g. tents, tables, etc.). Organizers of such events are required to submit a questionnaire (please refer to attached Appendix B), a site plan, and depending on the use within the designated area, may be required to hire off-duty police personnel or private security. Ceremonies that only require the setup and use of chairs, runner, an arch/chupah, a small table and do not include the set-up of temporary structures do not require a permit, but organizers are required to complete a questionnaire and provide a site plan. Where applicable, beachfront concessionaires must be notified and operations may not be in any way obstructed.

IV. MARKETS - For information on how to become a market producer or vendor, please contact the City of Miami Beach Procurement Department at 305-673-7490.

V. PRODUCT PROMOTIONS - The City of Miami Beach does not permit stand alone product promotion events. Product promotions are only permitted for sponsors of permitted special event activities as defined herein.

Deleted: I

VI. RIDES AND AMUSEMENTS - The City of Miami Beach does not allow for-profit carnivals, amusement parks, or carnival-related mechanical amusement rides.

VII. MINIMUM REQUIREMENTS - The minimum requirements to apply for a Special Events Permit are:

Deleted: ¶
VI

Deleted: I

- **APPLICATION/PROCESSING FEE** - This fee is non-refundable and must be made payable to the City of Miami Beach at the time of application. Please see attached Fee Schedule (Appendix D) to determine fee amount.
- **PERMIT FEE** - This fee is refundable if application is denied and must be made payable to the City of Miami Beach at the time of application. Please see attached Fee Schedule (Appendix D) to determine fee amount.

Deleted: . . **PRODUCT PROMOTIONS** - The City of Miami Beach does not permit stand alone product promotion events. Product promotions are only permitted for sponsors of permitted special event activities as defined herein. ¶

Deleted: I

- **SECURITY DEPOSIT** - A refundable security deposit will be required no later than thirty (30) days in advance of the event. Please see attached Fee Schedule (Appendix D) to determine fee amount. Based on the scope and location of the event, a pre- and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded within forty-five (45) days following the event if all restrictions are followed and public property is left in good condition and without damage. Failure to comply with restrictions imposed automatically forfeits the security deposit.

Any post-event balance or fines owed to the City of Miami Beach, its employees, Departmental or Facility charge/expense, damage, repair or replacement cost(s), etc., may be deducted from the security deposit. Any unpaid balance owed exceeding the security deposit will be cause for refusal to accept of future applications. Such applications will not be considered until all outstanding debts to the City are paid in full (i.e. License Fee, Code Enforcement Lien, Special Assessment Lien and/or any other debt or obligation due to the City under State or local law).

PLEASE NOTE: Fee waivers will only be granted for not-for-profit 501(c)3 event producers. Security deposit and insurance requirements cannot be waived.

- **INDEMNITY AGREEMENT** - An Indemnity Agreement must be executed and notarized with an original signature and, if a corporation is the applicant or the application is filed on behalf of a corporation, the company seal must be affixed to the document. The Agreement must be submitted no later than thirty (30) days prior to the event.
- **INSURANCE REQUIREMENTS** - The City of Miami Beach must be named as an additional insured and policyholder on all insurance certificates issued for the event.

All insurance policies must be issued by companies that are authorized to do business in the State of Florida, and have a rating of B+VI or better in the current edition of Best's Key Rating Guide. The Certificate of Insurance must state the time, date, location and name of the covered event, including set-up and breakdown day(s), date(s), and time(s). Applicants have the option of submitting a Certificate of Insurance for each policy year.

The City of Miami Beach reserves the absolute right at its sole discretion to increase these requirements, as necessary, to protect the interests of the City, including an increase in the amount and type of coverage required, depending upon the scope and nature of the special event.

- *Commercial General Liability* - Commercial General Liability insurance, on an occurrence form, must be obtained in the amount of at least \$1,000,000 per occurrence for bodily injury, death, property damage, and personal injury. The policy must include coverage for contractual liability.
- *Worker's Compensation And Employer's Liability* -Contractors must submit proof of Workers' Compensation and Employer's Liability in the

Special Events Permit Requirements and Guidelines

form of a Certificate of Insurance. All other State regulations apply.

- *Liquor Liability* - If alcoholic beverages are to be sold or served at the event, the group or individuals selling or serving the alcoholic beverage must obtain Liquor Liability Insurance in the minimum amount of \$1,000,000. The sale of alcoholic beverages must be in compliance with the Liquor Control Regulations of the Code of the City of Miami Beach.

The City's Risk Manager must approve the Certificate of Insurance. Once approved, the Certificate will be kept on file in the Risk Management Division. The insurance requirements must be met no later than thirty (30) days prior to the event.

- **SITE PLAN** - A preliminary site plan shall be submitted no less than 60 days prior to the event. A final site plan must be submitted no later than 30 days prior to the event.

The site plans must show detailed diagram(s) drawn to scale of the event including: the location of concession booths, portable toilets, dumpsters, public, emergency and accessible routes, location of stages and entertainment and orientation of loudspeakers, locations for electricity and water, generators, lighting towers, A/C units, fenced or walled areas, disability access elements such as accessible parking, accessible paths of travel, accessible portable toilets, and other relevant elements. All generators, lighting towers and A/C units must be fenced in or barricaded to prevent crowds from coming into contact with them. In addition, a narrative describing all temporary installations must be attached for beachfront events. "Beachfront" is described herein as seaward of the Coastal Construction Control Line. Once the site plan is approved it cannot be altered without the prior written consent of the City.

B. STEP 2: Internal Review Procedure

All proposed events with projected attendance of 200 persons or greater on public property, or private property where such event would not be incidental generally or without restriction throughout a particular zoning district, will be reviewed by the City's Internal Special Events Committee. The Internal Special Events Committee meets monthly and is composed of representatives from City departments, including, but not limited to Police, Fire, Tourism and Cultural Development, Public Works, Parking, Planning, Code Compliance and Parks departments. The Committee will review and comment on the proposed site, security, parking, transportation and any and all other necessary plans for the proposed event. These comments will be incorporated with those received through the neighborhood review process. Once the application, fees, and site plan have been submitted, Liaison Tourism and Cultural Development Department staff will indicate the specific requirements the applicant will need and the time frame for completing these requirements.

Deleted: The Special Events

The City Manager will make a final determination on an application for a permit within seven days after all Special Events requirements applicable to an event have been fulfilled. Such requirements must be fully completed by the applicant no later than thirty (30) days two (2) weeks prior to the event. Some requirements may require more time. No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event. All approved permits must be available for inspection on site at all times.

The City Manager may, in his/her discretion, waive permit fees, including but not limited to, rental fees for particular City properties, square footage rates for exclusive use of public property, concessions agreements for paid admissions fees, and sale of food, beverage and merchandise on public property, for events produced by 501(c)3 not-for-profit organizations, when such waiver is found to be in the best interest of the City, significantly impacting and benefiting the community of Miami Beach. No waivers are allowed for personnel-based expenses (city services). In determining waiver of permit fees, no consideration may be given to the message of the event or content of speech, or to the identity or associational relationship of the applicant.

I. **Major Events Plan (MEP)** – The City first evaluates the City's needs, impacts and quality of life issues during Major Event Periods. The City will then also specifically evaluate the impact of events proposed to take place during holiday weekends and major event periods, which create a significant demand on City services and resources. The City may determine a Major Event Period to have high intensity on city services and, therefore, may prohibit the issuance of special events permits during these periods. The City may also determine that enhanced City services are required during said periods. In such instances, costs for enhanced services will be shared equally by and between all permitted events.

Deleted: I.

Deleted: .

- **Major Event Periods:** The City has identified a minimum of ten holiday and repeat event periods which historically have a high impact on city services. It is realistic to expect these activity periods to continue to be popular in Miami Beach, bringing large crowds that will require additional city service levels and interagency support. These Major Event Periods include, but are not limited to, the following:

- October - Columbus Day Weekend
- November -Thanksgiving Holiday
- December – Art Basel
- December- New Years Eve
- January -/Orange Bowl Games
- January -Martin Luther King, Jr. Holiday
- February - Miami International Boat Show/Brokerage Yacht Show/Food & Wine Festival, and Super Bowl
- March - Winter Music Conference/Winter Party/Sports and Fitness Festival
- May - Memorial Day Weekend
- July - Independence Day Celebration
- September - Labor Day Weekend

Deleted: Super Bowl

- **The Major Events Committee** will take note of announced events and potential events of significance and initiate customized action plans. Each City department has specific action plans to address the requisite levels of service and outline their efforts and responsibilities associated with any upcoming major event planned within the City of Miami Beach. The MEP attempts to address the impacts of an event and set forth the action plan involved from a preparation and implementation perspective and sets forth each City Department's service levels contingent upon anticipated population levels associated with each major event and ancillary/related events.

Deleted: **Major Events Plan (MEP)**
– The City first evaluates the City's needs, impacts and quality of life issues during Major Event Periods. The City will then also specifically evaluate the impact of events proposed to take place during holiday weekends and major event periods, which create a significant demand on City services and resources. The City may determine a Major Event Period to have high intensity on city services and, therefore, may prohibit the issuance of special events permits during these periods. The City may also determine that enhanced City services are required during said periods. In such instances, costs for enhanced services will be shared equally by and between all permitted events. ¶

Inserted: ¶

II. **Criteria for Grant of Permit** - The City Manager shall be charged with the

responsibility and authority to determine whether a particular applicant shall be granted a permit the sole discretion and have sole authority to approve, approve with conditions, deny and/or revoke permits for special events upon considering the following factors;

Deleted:

1. Type of Event

- a. The Type of Event covers aspects of the event that relate to what demands the City is likely to experience and what kinds of attendees can be expected. Other benefits or detractors may stem from the hosting of one show versus another. Community profile, reoccurrence and nature of the venue all are components to be evaluated in the Type of Event category.
- b. Another important aspect of some shows is the value of ancillary events and conferences that may surround the event other smaller shows / events. These may or may not be side events directly managed or a part of the event under review, or maybe shows and conferences from other sponsors that take advantage of the attendee population resident at the main show. The venues for these other ancillary shows could be local hotels, arenas and parks and support the large event. Side events of this type may be considered a positive, from the additional economic impact they may provide, or they may be considered a detriment depending on the nature and history of these side events.
- c. Whether event is conducted for an unlawful purpose and/or in violation of Federal, State, County or Municipal laws.
- d. The existence of conflict or interference with another event or another applicant who has obtained a valid permit. When there are competing applications which are substantially for the same time and place, priority will be given on a first-come, first-served basis, but a first priority will be given to pre-established, annual events, defined as one which has a minimum of five (5) consecutive years of existence in the City under the same ownership, is in good standing, which includes being current on all prior debts, and has paid all contractual obligations in a timely fashion to the City

2. Economic Impact to the City

- a. The City will consider the event's long-term, short-term and indirect effects on profit/costs to local economic industries, including but not limited to hotels, restaurants, entertainment establishments, retail, and the City.
- b. The City will also consider events undertaken by not-for-profit organizations that demonstrate directly helping a charitable cause.
- c. An Economic Impact Survey is required to determine if an event has demonstrated a positive economic impact on the City of Miami Beach.

3. Infrastructure and Service Demands (Quality of Life)

- a. The City will consider whether the event is compatible with the surrounding neighborhoods and complements the ambience and aesthetics of the area in which it is presented.

- b. The City will consider if the event poses a public threat to residents, businesses, and visitors, not considering content of speech, message or reaction to the message.
 - c. The stress that a show may place on the various City services is considered in the evaluation process. Expenses associated with additional crowd control, policing, security, parking and traffic are considered in this section.
 - d. The City will also consider the availability of these needed resources including time, people, money and equipment.
 - e. Additionally, more intangible aspects of the effects that an event may have relate to the quality of life aspects that may positively or negatively impact the local flavor of the City and the lives of the resident population are also considered in this area, including the urgency of the event, the realistic time frame and other events taking place in the City and South Florida area at the same time.
 - f. Interference with traffic in the area contiguous to the event, and availability at the time of the proposed event of sufficient City resources to address the events potential impacts and mitigate the potential disruption.
 - g. Availability of police officers, traffic control aides and traffic control equipment to protect the participants in the event and protect the non-participants from traffic related and other hazards in light of the need and demand for police protection at the time of the proposed event.
 - h. Concentration of persons, vehicles or other structures at the event and feasibility of disbanding the area in order to allow fire, police and ambulance services.
 - i. Substantial likelihood of subjecting neighborhood in immediate vicinity of proposed site of event to unreasonable and prolonged noise, littering, or parking difficulties.
 - j. City services required for the event cannot be reasonably made available at the time of the proposed event.
4. **References**
- a. The candidate event should provide references from other locations that it has used. The evaluation should consider not only the references themselves but the quality of the references and the sources from which they come. A list of references that cover not only the previous venue, but also the references from that City, its police and perhaps any civic organization that the past venue impacted showing the good citizenship and positive economic impact the event has had in other places where it has been held.
 - b. Whether same or similar event has a history of causing or resulting in a threat to public safety in Miami Beach or else where, except that if the public safety problem was caused by crowd reactions to the event's message, this factor alone, shall not be sufficient cause to deny or revoke a permit application.

- c. Material misrepresentation or incorrect material information made in the application process. Prior to a denial or revocation based on this factor, the City Manager shall give the applicant an opportunity to satisfactorily rebut or revise said evidence.
- d. Failure to complete payment of any sums required for a previous event until such time as payment is received.
- e. Failure to substantially perform a cleanup plan which was made a condition of a previous permit.
- f. Failure to adhere to City policy as prescribed by the Special Event Permit Requirements and Guidelines, or other applicable laws where the health, safety and welfare of the community were directly affected.

5. Promotional Value

- a. Is the event under consideration a high profile event with good name recognition and a good reputation? The evaluation must try to assess the importance of having the City and the event linked in the press. All positive results that may be derived from the association should be considered. It may be that the value of having the event lies in the other high profile events that traditionally follow this one.
- b. Also, positive publicity surrounding a high profile event may have had the effect of long term increases in local tourism and free positive publicity for the area as a whole increasing general business activity.

No permit shall be denied nor shall the applicant for a permit be given less favorable treatment as to time, manner and place on account of any message which may be conveyed at an event, or on account of the identity or associational relationships of the applicant.

No permit shall be denied nor shall the applicant for a permit be given less favorable treatment as to time, manner, or place on account of any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event, provided that reasonable accommodation as to time, manner and place may be required in order for the City to provide the resources necessary for protection of health, safety and welfare.

No event applicant or permittee, shall be required to provide for, or pay for the cost of, public safety personnel necessary to provide for the protection of an event and its attendees from hostile members of the public or counter-demonstrators, or for traffic control outside the event area or for general law enforcement in the vicinity of the event.

III. Criteria for Approval of Permit - After all required elements are completed and City Departments and impacted neighborhoods have reviewed and submitted their comments regarding an application, the City Manager shall do the following:

- Approve the permit
- approve the permit with conditions
- deny the permit upon conditions as set forth in these guidelines

If the application is approved, the City Manager in consultation with the heads of the affected departments, shall also impose any necessary restrictions or conditions as to the time, manner and place to be observed in accordance with the public safety, environmental and administrative considerations based upon the application, provided that such considerations shall not include any consideration of the content of any speech or message that may be conveyed by such event, nor by any considerations concerning the identity or associational relationships of the applicant, nor to any assumptions or predictions as to the response that may be aroused in the public by the content of speech or message conveyed by the event.

After the City Manager approves the issuance of a permit, the applicant may obtain such permit by agreeing to accept the "Terms and Conditions" imposed in accordance with these guidelines.

If the City Manager determines that a permit will be denied or revoked, he will provide the applicant/permit holder with written notification and reasons for the denial/revocation of the permit, which shall be consistent with the criteria and factors listed above and with an applicant's constitutional rights.

- IV. **Natural Disaster/Weather** - The declaration of an emergency, threat or a natural disaster, including extreme weather or the existence of a national threat, shall be just cause for the denial or revocation of a Special Events Permit.

Under extreme weather conditions, including lightning storms, the City may temporarily suspend all operations or cancel an event.

C. **STEP 3: External Review Procedure**

F.G. NEIGHBORHOOD ASSOCIATIONS

Events planned in the City of Miami Beach are subject to review and recommendation by the corresponding neighborhood or business association(s). Applicants will be required to present their plans to the appropriate neighborhood association. In the case where there is no legally constituted/recognized association and the expected attendance exceeds 200, the matter will be referred to the City of Miami Beach Planning Board for review and recommendation. Recommendations from the respective associations or the Planning Board stating its position on the proposed event should be submitted to the Special Events Office at least 30 days prior to the event.

The City of Miami Beach will only recognize neighborhood associations that have filed for and received official neighborhood status. In order to receive official neighborhood status organizations must meet the City's criteria. The City's criteria and a list of recognized neighborhood associations can be found on the City's website at www.miamibeachfl.gov.

Deleted: The City Manager's Office will identify the appropriate neighborhood associations for the review of applications.

The City Manager shall consider recommendations from neighborhood association(s) in determining whether to grant a Special Events Permit or what conditions to impose upon granting of the permit. Notwithstanding the foregoing, the City of Miami Beach, through the City Manager or Designee, reserves the right to approve, approve with conditions, deny and/or revoke any Special Events Permit. Permits may not be transferred, assigned or sublet, without prior written approval of the City of Miami Beach. The final decision for authorization of a City of Miami Beach Special Events Permit remains with the City Manager, or Designee, subject to an appeal as follows.

In the event of a lack of consensus between the neighborhood association(s) or Planning Board and the City Manager regarding a decision on a permit, the association(s) or Planning Board may appeal the Manager's decision to the Mayor and City Commission for consideration at their next available meeting. The appeal must indicate in writing the association's reasons for disagreement with the Manager's decision in issuing or denying the permit being appealed, including the manner in which the Manager abused his discretion in the matter, if any. Such appeal also must be accompanied by a written resolution of a majority of the board of the association, or the Planning Board, indicating the decision of the board to file the appeal. The Mayor and City Commission may affirm, modify or reverse the decision of the City Manager. If the date scheduled for the proposed event arrives before the next available Commission meeting, the decision of the Manager will be final. If approval of the proposed event is delayed such that the event cannot be held on the date(s) and time(s) specified in the permit application, or if the event is not approved at all, the City of Miami Beach will not be held liable for any expense(s), losses, or liabilities or other inconveniences incurred by the applicant as a result of same.

D. STEP 4: Coordination of City Services

Special events often require the supplementing or hiring of City services. The Special Events Office will review comments received during the internal and external review processes and will determine minimum staffing levels, with recommendations from the relevant Department Directors. The City may also determine that enhanced City services are required during Major Event Periods in order to mitigate excessive stresses on City resources. In such instances, costs for enhanced services will be shared equally by and between all permitted events. The City of Miami Beach assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

A list of frequently required services is provided herein.

Fully paid receipts/invoices for required supplemental or City services and equipment rental must be submitted to the Special Events Office no less than two (2) weeks prior to an event. Any additional services rendered by the City for the event will be charged to the applicant and may be deducted from the security deposit. When City personnel are employed, there will be a four (4) hour minimum charge rendered by the appropriate Department to compensate each employee engaged by the applicant.

II. ADHERENCE TO REGULATIONS AND OTHER POLICIES

The City of Miami Beach reserves the right to provide services that it believes are necessary and sufficient to safeguard and ensure the health, safety and welfare for all participants, visitors, businesses, staff and general citizenry. All arrangements for services or facilities shall be staffed and paid for at least two (2) weeks prior to the event. An applicant's budgetary constraints cannot dictate staffing levels required for public safety.

In addition to compliance with all applicable Federal, State and County regulations, the applicant shall comply with all City Ordinances. Any other permits as may be required by the City of Miami Beach, Miami-Dade County, the State of Florida, or the Federal Government, must be obtained and adhered to. It is the sole responsibility of the applicant to obtain all permits and comply with all requirements, including but not limited to those described herein.

The City of Miami Beach, under no circumstances, guarantees, warrants or represents

that the issuance of a Special Events Permit by the City exempts the event from obtaining, or ensure the obtaining of, any permits or complying with any requirements which may be required currently or in the future by any Federal, State or local authorities, including other permits that may be required by the City.

The City Manager has the authority to alter or end an event at any time it is determined necessary to assure the continued safety, health and welfare of the City's residents and visitors. Lack of compliance with the City Manager's directives, including, but not limited to, audio volume and adherence to site plan, shall be sufficient cause to warrant an event's closing or other remedies provided in the City Code or herein.

Issuance of a required Federal, State, or local permit does not authorize permission to hold an event. A City of Miami Beach Special Events Permit must be issued and will constitute authorization from the City to hold the activity.

All pre-payment schedules for City services are due, as indicated, except the City reserves the right to waive this requirement for events which have an exemplary prompt payment history with the City established over the course of at least five (5) years.

- A. **Beach Vehicle Access Policy** - Whenever possible, ATVs, all terrain gators and/or golf carts should be utilized by event producers for events taking place on the beach. Notwithstanding the above, certain events taking place on the beach may require vehicular access to the beach for the purposes of loading-in and out of equipment for the event, and must be removed from the beach immediately thereafter. There is a vehicle access fee of \$150.00, per vehicle, per event. Event producers may purchase a maximum of ten (10) Vehicle Beach Access Permits per event. A Vehicle Beach Access Permit will be issued by the Special Events Office and must be displayed on the windshield of any vehicle on the beach. All such vehicles must be escorted on/off the beach by either City of Miami Beach Off-Duty Police or Beach Patrol. All vehicles will be restricted to the location(s) listed on the permit, or such other personnel employed by the special event producer and acceptable to the City. The event producer will be required to provide to the Special Events Office a Management of Transportation (MOT) plan for all vehicular traffic on the beach. The MOT plan must be approved by the Off-duty Police coordinating officer.

All operating vehicles on the beach shall follow the procedures listed herein:

- o Due care and caution will be utilized at all times while driving any vehicle on the beach.
- o All vehicles on the beach shall enter and depart the beach at the nearest access point to the call.
- o Prior to entering the beach area, vehicle headlights and overhead flashing lights (if equipped) or flashers will be turned on.
- o Drivers must turn off radios and shall roll down both the passenger and driver's side front windows of their vehicle while operating a vehicle on the beach.
- o Maximum speed allowed on the beach is 5 MPH.
- o Vehicles, SUVs, and trucks are prohibited from driving on the **soft sand** where **hard pack sand** exists.
- o Vehicles, SUVs, and trucks shall stay **west** of the garbage cans on the **hard pack** at all times.
- o Do not drive over hills or berms (dunes) or near objects that may obstruct your view.
- o If you stop and exit your vehicle, walk completely around the vehicle prior to entering your vehicle and moving it.
- o Traffic cones (orange, 18" high) must be placed at the front and rear of vehicles

- when parked on the beach.
- o Use of a cellular phone or walkie talkies while the vehicle is in motion is prohibited.
- o Personal vehicles are prohibited on the beach at anytime.

These procedures are to be complied with at all times by anyone operating a vehicle on the Beach. Failure to comply with these procedures may result in the immediate termination of the event.

B. Booking Policy - Public locations are booked on a first-come, first-served basis, but a first priority will be given to pre-established, annual events, defined as one which has a minimum of five (5) consecutive years of existence in the City under the same ownership, is in good standing, which includes being current on all prior debts, and has paid all contractual obligations in a timely fashion to the City and further has demonstrated a positive economic impact on the City of Miami Beach.

Deleted: usually

A special event shall not be booked if it interferes with a previously scheduled activity, event or repair work scheduled for the proposed site. The City Manager may take into account simultaneously occurring events in the region or other factors that would impact the City's capability to host an event before approving an event.

I. **Consecutive-Day Clause** - In no case shall a permit be issued to an applicant or venue, for substantially similar events, for more than four (4) consecutive days or five (5) non-consecutive periods of not more than four consecutive days each during the course of a calendar year. A separate Special Events Permit shall be required for each individual venue of a multi-venue event. Certain public locations are appropriate for special events, but do not have certificates of use and occupancy defining their use. Such locations shall not be limited to the five non-consecutive days per year limitation.

The City Manager will have, at his/her discretion, the ability to approve a Special Events Permit for events which exceed the consecutive day clause. The City Manager has at his/her discretion, the authority to amend, modify or temporarily suspend the permits for such events.

Note: Citywide special events and conventions including, but not limited to, Art Basel, Winter Music Conference, and Miami International Boat Show shall not count against the aforementioned clause.

C. Concession Agreements - All events which include retail sales or vending will be required to enter into a written concession agreement with the City of Miami Beach. Beachfront and non-beachfront events shall provide 15% and 10% respectively of all gross revenues derived from admissions and the sale of food, beverage and merchandise. In the case where a producer rents booths for the sale of food, beverage and merchandise, the gross rate shall be calculated on the rental and/or concession revenues received by the applicant or the gross revenue generated by the concessions regardless of whether the applicant derives direct or indirect financial gain from such revenue. Copies of concession agreements and full disclosure of all principals must be provided to the Special Events Office two (2) weeks prior to said event.

Deleted: D

A certified audit, conducted by a Certified Public Accountant. A notarized statement, certified by a Certified Public Accountant (CPA), of the above referenced revenue along with payment of the aforementioned percentage, must be provided to the City no later than thirty days following the event. The Security Deposit on file will not be released

until said statement and payment have been submitted to and accepted by the City.

Under the terms of an agreement between the City of Miami Beach and beachfront concessionaires there exists exclusivity for rental of beach equipment, water and recreational equipment, food and beverage service on the beachfront East of the coral rock wall at Pier Park (Biscayne Street to First Street) ~~Ocean Front Park (Second to Third Street)~~ and East of the sand dune in Lummus Park (from Fifth Street to Fourteenth Street Lane), Ocean Terrace (73 Street to 75 Street) and North Shore Open Space Park (79 Street to 87 Street). Additionally, the City may enter into additional agreements in the future with beachfront concessionaires for other beachfront locations seaward of City-owned property and/or seaward of street-ends at public-rights-of-way. Any proposed special event to be held on the beach within the concessionaire's jurisdiction is subject to review by the concessionaire, ~~which may choose to operate the concessions.~~ Notification to the concessionaire by the applicant must be in writing at least 60 days prior to the event. A copy of the applicant's agreement with the concessionaire or a letter of release from the concessionaire must be submitted to the City Special Events Office at least thirty (30) days prior to the event.

Up-land Concession Areas - Licenses to operate beachfront concessions for up-land property owners (areas located behind private property) have been issued, or may be issued, to certain upland property owners from Government Cut to 87 Terrace 45th to 83rd 88th Streets. A written release from beachfront concessionaires is required for events proposed behind private property that may interfere with these up-land concession areas and must be submitted to the Special Events Office at least thirty (30) days prior to the event.

- D. Use of Public Property** - Permit holders will be charged a net square footage rate of \$.25 per square foot for public property occupied by the event for stages, booths, displays or areas restricted for exclusive use by the event. The Square Footage Fee will be calculated in the following manner:

Deleted: E

Enclosed Site: Aggregating the square footage of the total fenced area.

Non-enclosed Site: Aggregating the square footage of the individual fixtures of the event (i.e. stages, booths, tents, display areas, bleachers, etc...)

The Manager may, in his/her discretion, waive this fee for events by not-for-profit corporations, or a particular event when such waiver is found to be in the best interest of the City. In the case that the permit holder is operating under a concession agreement with the City of Miami Beach, the net square footage rate may not be applicable.

- E. Event Signage** - Sponsorship banners and signage are allowed within the designated event site only and may be displayed only during the event. Banners must be immediately removed from the site following the event.

Deleted: F

Deleted: Inflatable signage is not permitted.

- I. **Special Event Billboard Signs** - Up to five (5) banners or billboard signs with a maximum size of 4'x8' may be approved for placement in designated public locations in the City of Miami Beach. These signs are required to have Design Review approval from the Planning Department. To obtain a permit, an application is submitted to the Planning Department, no later than 60 days prior to the event. A Building permit is also required prior to installation.

- II. **Street Banners** -- Event advertising banners hung across the street are not permitted.

Deleted: allowed

- III. **Lightpost Banners** – Lightpost banners are permitted in the City of Miami Beach when approved by the Planning Department and the Mayor and City Commission the City Manager, or his/her designee, for special events taking place in the City of Miami Beach, and by the City Commission for special events held outside of the City of Miami Beach. The application process begins at the Planning Department for Design Review approval no less than 90 days in advance of the special event. Approved lightpost banner design with the banner locations are then forwarded to the Special Events Office. A \$50.00 processing fee will apply. Lightpost banners on State roads (i.e. 5th Street, Collins Avenue, 41st Street, etc.) require an additional permit from the Florida Department of Transportation.

F. **Grandfather Clause**

Deleted: G

Notwithstanding the requirements described herein, the City recognizes the intrinsic historical, social, and cultural significance and importance of certain longstanding special events held continuously, on an annual basis, within the City. In recognition of such traditional longstanding events, special events in continuous annual operation since 1985 (Miami Beach Festival of the Arts and Art Deco Weekend) are herein deemed "grandfathered in" solely for purposes of the following items and shall not be subject to these conditions:

- Square footage fee
- Lummus Park user fee
- Street closure sign-off requirement
- Concession Agreement and User Fee
- Security Deposit (security deposit will remain at \$2,500)

G. **Resort Tax**

All events that include retail sales of food, beverages, alcoholic beverages, or wine sold are required to levy a two percent (2%) tax as per Miami Beach City Code Chapter 102, Article IV. A copy of the aforementioned section of the City Code and the Special Event Resort Tax Return forms are available through the Special Event Office of the City of Miami Beach. It is the responsibility of the event producer to collect, complete the form and remit payment to the City of Miami Beach.

I. **Sponsorship Requirements**

The following is a list of publicity and credit requirements for events or programs receiving financial or in-kind support from the City of Miami Beach:

- Prominently display City of Miami Beach logo in all promotional marketing materials related to the event/program including, but not limited to, advertisements, brochures, websites, e-mails, newsletters, banners, posters, event programs, and other print and/or electronic publications.
- Include the following credit line in all print news and press releases and broadcast media: "This event/program made possible with support from the City of Miami Beach" and include a quote from City of Miami Beach Mayor.
- One full page 4 color ad in program guide
- Website link to www.miamibeachfl.gov.
- Events/programs offering travel packages will also provide a link for to the following websites:
 - o www.visitmiamibeach.us
 - o www.miamiandbeaches.com
- On-stage signage in a prime location (if applicable).
- Provide a booth/display area at all events (if applicable).

- Live announcement(s) during the event by MC.
- All sponsored events/programs shall provide a maximum of four (4) complimentary tickets for which tickets are available to each of the following City Officials:
 - o Mayor and City Commissioners
 - o City Manager
 - o City Attorney

The following City Officials shall each receive a maximum of two (2) complimentary tickets for which tickets are available:

- o Assistant City Manager
- o Special Events Administrator

Any and all remaining tickets shall be donated to disadvantaged youths, disabled persons, senior citizens of Miami Beach, and other individuals who do not have the financial ability to purchase tickets for such events. Distribution of tickets shall be consistent with the guidelines and procedures approved and adopted by the City Commission.

The City reserves the right to negotiate additional terms if in-kind and financial support is in excess of \$25,000.

III. **ENFORCEMENT AND PENALTIES**

Persons engaged in a special event without a permit, or otherwise in violation of a permit, this section or the Special Events Requirements and Guidelines provided for herein, shall be subject to enforcement by City police or code compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to the following immediate fines: for the first offense a fine of \$500; for the second offense a fine of \$1,500; and for the third offense and subsequent offenses a fine of \$3,000 or arrest for violation of Section 12-5 of the City Code, and/or enforcement as provided for in section 1-14 of this Code, and/or notices of violation referred to Special Masters, who have authority to issue fines or enforce compliance, as provided for in Chapter 30 of the City Code. Police or code compliance officers will coordinate enforcement with the Department of Tourism and Cultural Development Office of Arts, Culture & Entertainment. As an alternate and supplemental remedy, the City may enforce these guidelines and requirements by injunctive relief in any court of competent jurisdiction, and in such circumstance the City shall be entitled to recover its reasonable attorneys' fees and costs. For repeat offenders, the Manager or designee may decline to issue permits to such person or entity for one year, or such other period as the Manager deems appropriate.

IV. **CITY OF MIAMI BEACH AGENCIES**

A. **Building Department**

Deleted: B

- I. **Building and Electrical Permits** - Pursuant to the South Florida Building Code, the City of Miami Beach Building Department, for all special events involving temporary construction or the use of temporary electrical power, must issue a building permit. Examples of temporary construction include, but are not limited to: freestanding tents, stages, fences, bleachers, and electrical. The applicant must present a copy of the Building Permit to the City's Special Events Office at least two (2) weeks prior to the event.

II. Americans with Disabilities Act - All special events must be designed and operated in a manner to be in Compliance with Chapter 553, Florida Statutes (The Florida Accessibility Code). The following checklist is provided for guidance as to how compliance must be achieved:

1. Ensure curb cuts and cross walks are kept free and clear for usage, with a continuous accessible route of 44 inches in width.
2. The Event Producer must ensure that any nearby accessible on- or off-street parking ("handicapped parking") is not obstructed by vehicles loading/unloading equipment, etc. If such obstructions occur, the Event Producer must see that such obstructions are removed immediately. Accessible parking spaces shall be connected to the site's continuous accessible route, with no obstructions between the accessible parking spaces and the curb ramps that serve those spaces.
3. Any and all accessible routes created and/or installed by the Event Producer, or under the Event Producer's supervision, must have no abrupt change in level in excess of ¼ inch. Where such changes in level are present, properly bevel the change in level at a 1:2 ratio or provide a ramp with a slope not to exceed a 1:12 ratio. This is necessary to allow passage of wheelchairs or strollers and prevent tripping or the catching of walkers and canes. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface.
4. Provide a smooth transition between temporary pathways and any ramps, sidewalks, streets, or parking lots. This means no change in level exceeding ¼ inch. Any change exceeding ¼ inch requires beveling at a 1:2 ratio or the installation of a ramp with a slope not to exceed a 1:12 ratio. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface.
5. All cashier counters (counters where money transactions occur) must be no higher than 36 inches maximum above finish floor, for a minimum length of 36 inches.
6. Maintain an accessible route for access to merchandise that is both within a vendor space, as well as merchandise not contained within a vendor space. If the overflow of merchandise for patron viewing is placed behind a booth, then provide adjacent access to the merchandise via a curb ramp, as well as the placement of a pathway with a stable and firm surface necessary for the use of wheelchairs and mobility aids.
7. Merchandise for display should be within a line of sight no higher than 48 inches for persons of short stature or wheelchair users. If merchandise is displayed higher than 48 inches, merchant must provide assistance to disabled customers in order to reach items.
8. All vendor spaces shall be located on an accessible route that is a minimum of 44 inches wide.
9. If tables and seating are provided for the consumption of food, all aisles adjacent to accessible fixed seating shall provide 30 inch by 48 inch clear floor space for

wheelchairs. Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.

10. For wheelchair seating spaces provided at tables or counters, knee spaces at least 27 inches high, 30 inches wide, and 19 inches deep shall be provided. The tops of accessible tables and counters shall be from 28 inches to 34 inches above the finish floor or ground.
11. Where food or drink is served at counters exceeding 34 inches in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 inches in length minimum shall be provided in compliance with the requirements of Items #9 and #10 above, or service shall be available at accessible tables within the same area.
12. Where portable toilets are provided, an accessible route shall be provided to the toilets. Five percent of the total number of toilets must be accessible. If clusters of portable toilets are distributed throughout the site, then each cluster must have accessible units.
13. If general assembly seating or standing space is provided for audience members attending a public performance at a special event, reserved wheelchair seating must be provided. Such seating must be provided in a location that allows wheelchair users an unobstructed line of sight to the stage. If seating capacity accommodates greater than 300 persons, then accessible seating shall be dispersed throughout the venue.
14. All flyers and written promotional materials for the event should be made accessible to people with disabilities, including those with hearing and visual impairments. It is recommended that the following statement be included on promotional materials: "Call [your number followed by word "voice"] or the Florida Relay Service (TTY) at 711 to request material in accessible format; sign language interpreter (5 days in advance), or information on access for persons with disabilities". Sign language interpretive services must be provided when properly requested five days in advance of the event.
15. For performers who are disabled, all stages, show mobiles and dressing areas must be accessible.
16. All ADA considerations must be identified and detailed on the site plan. The site plan will be submitted to the Building Department Accessibility Plan Reviewer for approval.

B. Code Compliance

Deleted: C

- I. **Field Inspector** – The City may require the applicant to hire a Field Inspector and/or a Code Compliance Officer to serve as an overall on-site coordinator, whose responsibility will be to ensure that all services are provided, the event runs smoothly, and that all Federal, State and local rules, regulations and ordinances are complied with. Special event producers agree and understand that a Field Inspector and/or a Code Compliance Officer, which will report to and be under the direction of the City, may be required in order to ensure compliance as approved by the City of Miami Beach, and the conditions imposed with the issuance of a Special Event Permit. Enforcement of guidelines includes all activities leading up to, including, and

following the conclusion of permitted endeavors. Event producer further agrees and understands that any and all costs associated with said Field Inspector shall be borne by the producer and reimbursed to the City prior to refund of security deposit pursuant to **Section A (VII)** herein. Producer's responsibility for the costs associated with said Field Inspector or Code Compliance Officer position(s) shall be limited to twenty-seven dollars (\$27) per hour.

Deleted: five

Deleted: 5

Field Inspector and/or Code Compliance Officer will be required for all events with expected attendance of 1,000 persons or greater. Field Inspector/Code Compliance Officer requirement for all other events will be determined on a case by case basis.

II. Signs (Flyers) & Hand Bills - The City of Miami Beach regulates the distribution of flyers, handbills or stickers. Specifically, distribution of handbills upon premises of another when requested not to do so is prohibited as per Code Section 46-117 and placing or distributing any handbills on vehicles is prohibited as per Code Section 46-118. Violations will be issued by Code Compliance for violations on public property and for handbills placed on automobile windshields carrying a fine of \$50 for each sign (flyer) or handbill and a \$23 removal charge per sign.

III. Noise Ordinance - The City of Miami Beach prohibits unreasonable and disruptive noise that is clearly incompatible with the normal activities of certain locations at certain times. The Miami-Dade County Noise Ordinance is applicable and enforceable to both public and private property within the City. The Ordinance makes it unlawful for any person to make, continue or cause to be made any loud, excessive or unusual noise. If the excessive noise occurs between the hours of 11:00PM and 7:00AM in such manner to be plainly audible at a distance of 100 ft from the building, structure or vehicle in which it is located, this shall be prima facie evidence of a violation of the Ordinance.

If a noise violation occurs, the enforcing Code Compliance Officer will require that the noise be lowered to an acceptable level. Failure to do so, or a second confirmed violation within one 24 hour period, will result in the Police Department being notified. Failure to comply with a request from the Department of Code Compliance or the Police Department concerning violation of the Ordinance may result in the immediate revocation of a Special Events Permit and/or arrest.

C. Fire Department

Deleted: D

I. Off Duty Fire & Paramedic Services - Depending upon the type of event and estimated attendance, off-duty or private fire rescue personnel may be required at the expense of the applicant. As a general rule, a minimum of one paramedic for up to 1,000 people and two paramedics for up to 5,000 people, and a rescue unit for up to 10,000 people, which consists of 2 paramedics and a team leader, are required. Enclosed events and tents over 400 square feet may require off duty Fire Inspectors depending on the type of event and estimated attendance. The City of Miami Beach assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

The final decision for the minimum number of Fire Rescue/Prevention personnel required will be determined by the Fire Chief or designee.

II. Enclosed Events Site Plan And Occupant Load - Site plans for enclosed events requiring fencing or tenting must be submitted for review and approval to the City of Miami Beach Fire Department. Building Department permits cannot be issued until the Fire Department approves the event site plan. Non-substantial on-site adjustments to site plans may be made in consultation with and approval of the City of Miami Beach Fire Marshal, or his designee. The Fire Department requires a 20 foot emergency vehicle access lane between easternmost portion of the sand dune and any fencing or tents for all beachside events.

Enclosed events are required to adhere to an occupancy number, as well as comply with the requirements determined by the City of Miami Beach Fire Department, once site plan is approved. A walk-through to verify that the actual setup meets with the approved plan will be conducted prior to the event opening. Event promoters are responsible for adhering to the determined occupancy number and any violation of the occupancy number can result in penalties and/or fines.

III. Fireworks Permit - All events, public or private, featuring a fireworks display or pyrotechnics must obtain a fireworks permit from the City of Miami Beach Fire Department. A written request for the permit must be submitted to the Fire Department at least 30 days prior to the event and approved no later than 11 days prior to the event.

Following approval of the permit, the Fire Prevention Bureau will make a site inspection. A minimum of two (2) fire fighters will be required to be on-site from the time the fireworks are delivered at the site, until termination of the display and the removal of all fireworks and debris from the site. Payment for required fire personnel will be the sole responsibility of the applicant and must be made two (2) weeks prior to the event.

The firm or individual responsible for setting up and setting off the fireworks must obtain a Comprehensive General Liability or Fireworks Display Liability Insurance policy. See insurance section for language and rating requirements.

IV. Open Pit And Bonfire Permit - Separate permits are required for open pit and bonfires. Applications for a permit may be obtained from the Fire Department, and must be approved and paid to the City of Miami Beach at least two (2) weeks prior to the event. These activities will require hiring off-duty fire personnel.

D. Miami Beach Convention Center

Deleted: E

Events, meetings and/or conventions taking place at the Miami Beach Convention Center (MBCC) on occasion desire extending their production onto Convention Center Drive, between Dade Boulevard and 17 Street, and into the City's Preferred Parking Lot. In such event, the City considers this use an extension of the MBCC premises. As such, all City requirements including, but not limited to insurance, indemnity agreement, site plan, security plan, and sanitation plan will be incorporated into the respective event's agreement with the MBCC and will be coordinated by the MBCC.

The MBCC will complete a special event questionnaire (please refer to attached Appendix C) and provide the Department of Tourism and Cultural Development a copy of all required documentation pertaining to the event for the department file. If street closures are requested, the Department of Tourism and Cultural Development will assist in coordinating this request, as well as all other items as may be required.

E. Ocean Rescue

Depending upon the location and type of event, estimated attendance, and hours of operation, off-duty lifeguards may be required. The Captain of the City's Ocean Rescue will determine the minimum number of lifeguards.

F. Parking Department

Overall Parking Plan - A comprehensive Parking Plan which identifies where parking is to be provided for event staff, equipment vehicles, and event participants, as well as the location and amount of accessible parking spaces must be developed, in writing, and approved by the City of Miami Beach Parking Director or his designee. Public parking resources may be supplemented with privately owned parking areas to accomplish this plan. All fees incurred through use of Parking Department resources, which may including meter rentals, off-duty enforcement officers or rental of lots, must be pre-paid in full no later than two (2) weeks prior to the event.

- Valet ramping spaces are to be used exclusively for ramping and valet related operations. All other activities are explicitly prohibited.
- Parking meters shall not be used for advertising or marketing related activities, unless associated with a Special Event as defined herein.

G. Parks and Recreation Department

I. Facilities and Personnel - Many City of Miami Beach recreation facilities, amphitheaters, and parks are available for rent during non programmed hours for special events, and have specific fees, based upon hours of usage, including setup and breakdown times. Request for usage must be at least one month prior to the event. Rental payments for such facilities must be made two weeks prior to the event. Proof of payment must be submitted to the Special Events Office. Applicable user criteria will be available for park venues through the Parks & Recreation Department.

Depending upon the venue, nature and scope of the event, the hiring of City of Miami Beach Parks and Recreation personnel may be required. A City facility (e.g., a building) used for a special event must be staffed by a City employee. Depending on usage, additional facility staff, janitorial service and electrical staff charges may be applicable. Payment for the staffing is the sole responsibility of the applicant, and must be received no later than two (2) weeks in advance of the event.

II. Park User Fees

Park User Fees - A special event impact fee will be imposed for all events taking place at a City Park including, but not limited to, Lummus Park, South Pointe Park, Collins Park, Flamingo Park, and North Shore Open Space Park. Lummus Park includes the area, east of Ocean Drive, the park itself and the beachfront east of the park from 5 - 15 street. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used exclusively for enhancements to the Park.

Lincoln Road User Fee

Deleted: Lummus Park and Lincoln Road

Deleted: -

Deleted: For events

Deleted: in Lummus Park and the beachfront, a Special Events Impact Fee will be imposed.

Deleted: landscape

Deleted: of Lummus

Deleted: Due to the fragility of underground sprinkler systems in Lummus Park, Parks Department personnel will be required to escort any vehicles in and out of this area.

For events taking place on Lincoln Road, or Lincoln Lane, a Special Events Impact Fee will be imposed. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used to enhance Lincoln Road. Due to the fragile and pedestrian nature of Lincoln Road, no motor vehicles are allowed between Washington and Lenox Avenues.

H. **Police Department**

- I. **Security Plan and Services** - Depending upon the type of special event and estimated attendance, security personnel, such as off-duty police personnel and private security personnel, may be required.

The Security Plan shall be prepared by the event producer in consultation with the Office of Special Events and the City of Miami Beach Police Department's Off-duty Office. The plan shall specify the number of off-duty officers or private security guards, if applicable, hired by or expected to be hired by the Permit holder. At the option of the Permit holder, the entire security personnel may be comprised of off-duty police personnel.

Cost of off-duty police personnel is dependent on the number and rank required. As a general rule, if four or more officers are required, one must be a supervisor (sergeant or above). Larger contingents of officers may require additional police supervisors.

Payment for off-duty police services, based on the estimate, is required to be paid in full no less than two (2) weeks in advance of the event. Payment adjustments for off-duty police services, based on a final invoice, is required to be paid in full no more than two (2) weeks after the event. The Chief of Police or his designee will make the final determination of minimum levels of Police security.

Any private security personnel contracted for by the Permit holder must be licensed by the State of Florida. If security personnel is to be hired, a list of names and license information must be provided to the Miami Beach Police Department no less than two (2) weeks in advance of the event.

The City of Miami Beach Police Department may require additional security or off-duty police personnel for crowd control, traffic control and general security during the event. The minimum number of police personnel is dictated by the Off-duty Police Coordinator and is dependent upon the type of event, date of event, time of event, location of event, the site plan for the event, the type of entertainment during the event, whether alcohol is consumed at the event, and the estimated attendance at the event.

- ***Overnight & Backstage Security*** -- Applicants may contract, at their own expense, for off-duty police services or with private security guards for overnight and backstage security concerns. On-stage security will be handled by private security at the applicant's expense.
- ***Marine Patrol*** - All water-based special events, or those activities likely to attract crowds to or near the water, must provide prior written notice to the Miami Beach Police Marine Patrol and Beach Patrol. Certain events may require prior written authorization from the United States Coast Guard and may also require off-duty

services and equipment from either the City of Miami Beach Marine Patrol, Florida Marine Patrol, or United States Coast Guard, at the expense of the applicant. In such cases, written authorization is required no later than thirty (30) days prior to the event.

- **Police Escorts for Entertainment** - If so requested, the City of Miami Beach may supply police motorcycles or car escorts for entertainers. This service must be arranged in advance of the event and must be listed in the proposal for the event. The cost for this service is determined by the Miami Beach Police Department and will be at the applicant's expense.

II. Street Closures - Certain streets within the City of Miami Beach may be temporarily closed to limit or exclude vehicular and/or pedestrian traffic prior to, during, and after any special event. Depending upon the location, additional approval may be required from Miami-Dade County or the State of Florida. The City, in its discretion, may also require applicants to provide "sign-offs" showing approval from a majority of landlords and/or residents or their group representatives whose direct vehicular access to buildings will be affected by the proposed closure. Regardless of the jurisdiction, the Chief of Police and the Public Works Director must first approve street closures and final authority is retained by the City Manager. Requests for street closures must be made at least forty-five (45) days in advance of the event.

In closing a State street (i.e., 5 Street, Collins Avenue, 41 Street, Alton Road, 71 Street, and Harding Avenue) prior approval is required by the City of Miami Beach Chief of Police, Public Works Director and City Manager. The application must be processed at least 30 days prior to the event. The applicant must then forward the completed application to the Florida Department of Transportation (FDOT) to receive its permit. DOT must receive application at least 30 days prior to the event to be considered for approval.

In order to close a County street (i.e., Venetian Causeway/17th Street) the application will be forwarded to the Dade County Public Works Department by the Miami Beach Police Department at least 30 days in advance.

III. Barricades & Electronic Signs - Barricades and electronic directional signs may be required, depending upon the location and/or site plan of the event, to cordon off the surrounding areas or to close streets to vehicular traffic. The City of Miami Beach Police Department, along with the Parking Department, will determine the number and location of barricades.

The rental cost of barricades and electronic directional signs will be incurred directly by the event producer. Payment is the sole responsibility of the applicant, as is actual set-up and removal of barricades on the event date(s).

IV. Parade Requirements -The City Code defines "Parade" as any march or procession consisting of persons, animals, vehicles or any combination thereof, traveling upon any public way, within the territorial jurisdiction of the City. All parades must abide by Section 106-346 of the City Code. Pursuant to this Code Section, a separate permit to hold a parade must be obtained from the Chief of Police. The permit application must be filed not less than 15 days nor more than 90 days prior to the day on which it is proposed to be held, and simultaneously copied to the Special Events Office.

The Chief of Police may revoke a parade permit at any time he determines the parade is to be conducted or is being conducted in violation of the terms of issuance. Any applicant aggrieved by the Chief's decision may appeal it to the City Manager.

V. Demonstrations, Pickets and Free Speech Activities - The First Amendment of the United States Constitution affords demonstrators have the constitutional right to assemble and speak in a peaceful and orderly manner. Therefore, the City shall not require or issue permits for such activity. Demonstrations and pickets ~~consist of~~ are those activities which are generally performed in public in support of or against a person or cause or activity and which may have the potential for impeding movement along a public right-of-way or other disruption. Organizers of such events are asked to submit a questionnaire, site plan, and to notify the City of Miami Beach Police Department Patrol Division Commander of their intentions, and to provide details of the planned activity in order to insure ~~safety~~ the health safety and welfare for all concerned. If requested by the Special Events Office, a copy of an approved Police plan should be provided. There may be instances where the nature of the demonstration and/or the number of ~~demonstrators or picketers~~ participants (including counter-demonstrators) will require restrictions in order to protect the health, safety and welfare of every citizen by means of providing crowd control, traffic control and general security to the public. Such restrictions will be communicated to the individual or group prior to the activity. The Special Event Permit Requirements do not apply to such activities. Demonstrations, Pickets and Rallies must abide by Section 106-346 of the City Code.

I. Property Management

Based on the electrical, engineering and/or plumbing impact of a special event on City property, the applicant may be required to hire City electricians, engineers or plumbers.

J. Public Works Department

Environmental Resource Management

These items listed below are to intended help preserve the health and welfare of the City of Miami Beach's coastal areas.

Vehicles

- Vehicles allowed to access and remain parked on the beach during an event MUST display a temporary parking placard
- All vehicle access to the beach is restricted. Access points MUST be identified by City staff for each event.
- All vehicles shall require a police or beach patrol escort when crossing on to the hard pack (beach) and at all times east of the Erosion Control Line.
- All vehicles should utilize lights and flashers when traveling on the beach

Parking

- Any vehicle parked on the beach shall be prevented from distributing fluids on the ground (sand) by the placement of an absorbent pad under the engine compartment – these pads shall be properly disposed off once the vehicle vacates the beach

- All vehicles parked on the beach shall have cones placed at the front and rear of the vehicle

Fuel

- The storage of any petroleum product or chemical shall be prohibited unless prior approval has been issued by the City – storage of such material shall be in accordance with life safety and environmental regulations – storage shall be in appropriate spill proof containers for type of chemical, shall be stored a significant distance away from any population, storage area shall contain signage identifying the storage site and indicating which type of chemicals are being stored – required clean up of any chemicals will be at the expense of the applicant
- The fueling of vehicles on the beach (event site) shall be strictly prohibited unless given a special fueling permit where the applicant must act according to approved standards – fuel must be stored in spill proof containers etc. Such a permit is only approved by the Environmental Division.

Temporary Construction

- A site inspection, by the City, shall be required prior to and after an event to ensure that the event site and surrounding area has been restored to a clean and acceptable condition
- When possible, tents shall be secured with water barrels in place of ground stakes – where ground stakes are used, the holes shall be filled, compacted and area raked or graded to restore to natural conditions
- Any structures requiring permits from the City of Miami Beach Building Department or Public Works ROW office shall be required to be reviewed by the Environmental Resource Management Division for potential environmental impacts

Live Animals

- The incorporation of animals in any special event shall require adequate ground cover under cages – material shall be absorbent in nature and not permit the transfer of fluids to the ground.

Dune System

- Absolutely no activity is permitted within protected dune area – a minimum of a 20' setback west of the west end of the dune and 20' east of the east dune line shall be required.
- Pedestrian traffic to special events shall only use demarcated pathways and dune crossovers for ingress and egress to event site.
- Directional signage must be provided when public access at a dune crossover is blocked.

Beach Impacts (other)

- Special Events occurring during hurricane season shall have an emergency evacuation plan that will go into effect within eight (8) hours of a hurricane warning and be completed within twenty-four (24) hours – all equipment, material, staff, staging, vehicles and associated appurtenances shall be removed from event site within the allotted time

Right-of-Way Permit– A Right-of-Way permit must be obtained when there is anchoring to or excavation of any right-of-way or City property. The method of anchoring or location of any excavation may be denied or altered by the City based on potential hazards to existing utilities. The cost for said permit will be based upon City ordinances concerning work on the right-of-ways and may include a cash bond based on estimated potential damage to City property. Proof of financial ability to cover estimated damages must be submitted to the Special Events Office. For events occurring on City streets or sidewalks, an inspector from the Public Works Department will inspect the area in question prior to the event for any hazards, potholes or damaged fixtures. Any problems will be repaired or noted. A visual inspection will take place following the event to identify any damage to City property caused by the event.

Any identified damages in the City right-of-way, on termination of the permit, will have to be repaired by the event producer within a time specified by Public Works. If the producer fails to complete these repairs in a timely manner or wishes the City to complete such restoration work, then costs incurred by the City, including reasonable overhead expenses, will be deducted from the Security Deposit and the event producer will be charged for any, such costs not covered by the deposit as per Section A Step 1.

K. Sanitation Department

Special event producers are solely responsible for cleaning the area during and after the event. Should the applicant choose, the City of Miami Beach will provide personnel for this function. The cost of the cleanup will be calculated by the City, and will include dumping fees and equipment rental. Should an alternate cleaning service be contracted, the applicant shall be responsible for obtaining all necessary dumpsters. All arrangements and removal of garbage, trash, and other debris are the sole responsibility of the applicant. A City permit authorizing placement of dumpsters must be obtained through the Sanitation Department, and submitted to the Special Events Office no less than two (2) weeks prior to the event. Applicants are required to meet sanitation standards to assure an adequate number of litter containers are on-site, and must encourage guests to comply with the City of Miami Beach's anti-litter efforts. Glass containers and plastic straws are prohibited. Recycling efforts are encouraged. Applicants shall ensure that the site is returned to its original condition within twenty-four hours. Failure to clean up after the event will result in a fine, as per Section III herein, issued to the event producer, as well as additional charges for City Services.

Applicant seeking use of public restroom facilities outside of standard operating hours may also be required to hire attendants to facilitate public restroom maintenance and supplies during the event. These services may be contracted through the Sanitation Division of the Public Works Department. Proof of payment must be submitted to the Special Events Office at least two (2) weeks prior to the event.

V. OTHER AGENCIES

A. The Miami Beach Visitors and Convention Authority and Cultural Arts Council

The City of Miami Beach does not directly fund special and cultural events. The Miami Beach Visitor and Convention Authority (VCA) and the Miami Beach Cultural Arts Council (CAC) utilize City funds for the purpose of special and cultural event funding. Approval of an application for funding by either the VCA and/or the CAC shall not

constitute either expressed or implied approval for an event permit from the City of Miami Beach. Should the VCA or CAC fund an event, the appropriate logo shall be incorporated in all event print advertising or promotional materials as per the funding terms and conditions of the VCA and / or the CAC.

B. Miami-Dade County

- ***Permit for Temporary Food Sales*** - The Miami-Dade County Department of Business and Professional Regulations, Division of Hotels & Restaurants sets forth rules and regulations for safe operation of temporary food service establishments. To obtain the necessary permits, sponsors or applicants must notify the Department of Business and Professional Regulations no later than three (3) business days before scheduled events. A License fee for 1-3 day event is \$40.00 per vendor. Deleted: .
- ***Beach Cleaning*** - Applicants desiring use of the public beach must arrange for the cleaning of the beach, prior, as well as after, the event, as necessary. Beach cleaning may be arranged with the Miami-Dade County Parks Department or a private sanitation company approved by the Miami-Dade County Parks Department. Proof that clean-up arrangements have been made must be submitted in writing to the Special Events Office at least two (2) weeks prior to the event. Deleted: .

C. State of Florida

- ***Department of Environmental Protection, Division of Beaches and Shores*** -- If an event is to be held on the beach, a State Field Permit is also necessary for all temporary non-portable structures on the beach, east of the Coastal Construction Control Line. This would include, but not be limited to, the following types of temporary structures: stages, fences, tents, lighting and sound systems. A detailed site plan and written narrative description of all installations must be submitted to the Special Events Office no later than 60 days prior to the event.

As conditions of the State Field Permit, the State also calls for the protection of marine turtles during the marine turtle nesting season beginning May 1, and ending October 31 in Miami-Dade County. Conditions include: structures to be constructed and left overnight, including temporary fencing, shall have 3 feet of vertical clearance and shall be located as far landward as possible; No lighting associated with the event is authorized after 9:00 pm without approval from the State of Florida; and permit holders must hire turtle monitors from sundown to sunrise. Other conditions, as prescribed by the State may apply.

Events requiring exemptions from any of the above marine turtle nesting conditions will need to provide the City with written approval from the State of Florida Wildlife Commission.

Florida Statutes, Chapter 161, calls for the protection of beach dune systems and impose fines for damage caused to the natural dune systems along the Beach. It is the responsibility of the applicant to provide adequate security measures to ensure protection of the dune area from damage that may be caused by an event.

- ***Division of State Lands*** -- Depending on the type and nature of the event(s), the Division of State Lands has the right to negotiate a separate use agreement Deleted: .
Special Events Permit Requirements and Guidelines

with the special event producer and will charge for the use of the land. This fee may include a contribution to the State Lands Trust Fund, as well as a use fee, and would require State of Florida Cabinet approval. If applicable, proof of the Division of State Lands approval shall be submitted to Office of Arts, Culture & Entertainment before a permit is issued.

- **Florida Marine Patrol** - Any type of water activity held within the City of Miami Beach must give notice to the Florida Marine Patrol. Notice must be in the form of a letter with a copy to the City of Miami Beach provided no less than two (2) weeks in advance of the event.

- **Division of Alcoholic Beverages and Tobacco** -- If the event is being produced by a not-for-profit organization and it desires to sell or serve alcohol, the organization must apply for a temporary liquor license from the State of Florida, Division of Alcoholic Beverages and Tobacco under Florida Statute 561.42. In order to obtain the license from the State, a letter of authorization must be obtained from the City of Miami Beach. Prior to the issuance of this letter the following must be submitted:

Deleted: .

- * Certificates of all applicable insurance including, general liability and liquor liability.
- * A completed Indemnity Agreement.
- * A signed letter on letterhead from the non-profit organization agreeing to have the temporary liquor license in the organization's name.

- **Florida Department of Transportation**

Lightpost Banners -- Banners proposed to be placed on state road lightposts require an additional permit from the Florida Department of Transportation following Design Review approval from the City's Planning and Zoning Department and approval from the Miami Beach City Commission. Depending upon the scope and nature of the event(s), additional State permits may be required.

D. Federal Government

- **Federal Aviation Administration** - Any type of unusual air activity above the City of Miami Beach planned in conjunction with a special event which has the potential to disrupt commercial air traffic must be approved by the Federal Aviation Administration. Approval will be requested through the City of Miami Beach Administration on the applicant's behalf.

Deleted: .

- **Coast Guard** - Any individual or organization planning to hold a regatta or marine parade which, by nature, circumstances or location, will introduce extra or unusual hazards to the safety of lives on the navigable waters under the jurisdiction of the U.S. Coast Guard shall submit an application to the Coast Guard District Commander having jurisdiction of the area where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include, but are not limited to: an inherently hazardous competition, possible effect on the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the

Deleted: .

expected accumulation of spectator crafts.

Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Commander or the District Commander may, subject to conditions set from time to time by him/her, grant a permit for such series of events for a fixed period of time, not to exceed one (1) year.

The application shall be submitted to the Coast Guard no less than 30 days prior to the start of the proposed event.

The application shall include the following details:

- 1) Name and address of sponsoring organization.
- 2) Name, address, and telephone of person or persons in charge of the event.
- 3) Nature and purpose of the event.
- 4) Information as to general public interest.
- 5) Estimated number and types of watercraft participating in the event.
- 6) Estimated number and types of spectator watercraft.
- 7) Number of boats being furnished by sponsoring organizations to patrol event.
- 8) A time schedule and description of events.
- 9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

Deleted: ¶

APPENDIX A



MIAMI BEACH

SPECIAL EVENT PLANNING GUIDE



TOURISM AND CULTURAL DEVELOPMENT OFFICE OF FILM & EVENT PRODUCTION MANAGEMENT

Linette Nodarse, Special Event Production Assistant
lnodarse@miamibeachfl.gov

Graham Winick, Film and Event Production Manager
gwinick@miamibeachfl.gov

1700 Convention Center Drive – Miami Beach FL, 33139
Telephone: 305-673-7577 - Fax: 305-673-7063

Welcome to Miami Beach...

Welcome to Miami Beach...

The City of Miami Beach welcomes a wide variety of special events that enrich the community for both visitors and residents. From spectacular beaches to charming streets and walkways, every site offers unique attributes to complement a proposed event, from corporate parties to concerts, neighborhood markets to weddings. Please note that a Special Event Permit will not be issued for any stand alone vendor, structure, or promotional activity not directly tied to a Special Event.

By following the Special Event application requirements and guidelines you will join an accomplished group of professionals who have utilized the sultry and sophisticated setting of Miami Beach as the site of their world class events.

Something you should know...

The Special Events office provides assistance in the coordination of events on public property and other properties requiring special zoning exemptions (e.g. pool deck and roof top events) by assisting producers with guidelines and permit requirements and serving as liaison with local and regional city services and neighborhood associations. This Special Events Planning Guide will provide you with vital information on how to proceed in obtaining a Special Event Permit in the City of Miami Beach, please make sure you read it thoroughly. When filling out the application, complete each section and check for the Non-applicable or N.A. box under each section. Also note any special instructions when reviewing each section.

Please be aware, by submitting an application you will be providing full disclosure of your event plans and information that can be obtained by the general public at any time and for other agencies. And by signing that application you commit to having read and comply with the Special Event Guidelines. The Special Event Requirements and Guidelines are available on line at www.miamibeachfl.gov.

Last but not least be advised that the Special Events Office requires **SIXTY (60) DAYS NOTICE** prior to the event start date in order to process an application. Applications are processed on a first come, first serve basis. Exceptions to the following deadlines will be made at City's discretion. A Special Events permit is a review and approval process, and submission does not constitute approval. Once all items are submitted, registered, reviewed, and terms of coordination have been met your Special Event Permit will be drafted and sent to the City Manager for final approval. Any and all expenses incurred by applicant/producers/promoters prior to the issuance of a Special Event Permit shall be at the sole risk and responsibility of the applicant/producer/promoter, and the City of Miami Beach shall in no way be responsible and liable for same.

What you need to get started...

Please submit the following items to start your permit request. The Special Events office will not accept an incomplete application.

Minimum Requirements:

1. Application
2. \$250 Application Fee (*non-refundable*).
3. Certificate of Insurance (*please review insurance requirements*).
4. Indemnity Agreement (*please submit original document signed and notarized*).
5. Site plan-(CAD preferred)-Please submit a site plan to scale showing exact dimensions of temporary structures in relation to the area features. For descriptive examples please see the Applicant/Producer Deadlines Guide.
6. Detailed load-in and load-out schedule or schedule of events when load-in or load-out does not apply.
7. Sanitation plan (scope of services) and Parking plans.

The following are important items you should be aware of:

- ❖ Once you have submitted the minimum requirements, your request will be registered and reviewed. You will then be informed of any outstanding permit requirements as part of the application process (e.g. permit fee, security deposit, neighborhood review meeting dates, sign-offs, permits, etc.).
- ❖ Please note that in order to receive an approved permit, you must submit all outstanding permit requirements. It is the applicant's sole responsibility to do so in a timely fashion. Please refer to the applicant/producer deadline guide for timelines of requirement submittal.
- ❖ NEIGHBORHOOD REVIEW: Please be aware that your event requires review from impacted neighborhoods and/or sign-off from affected business.
- ❖ SECURITY AND PUBLIC SAFETY: Your event may require hiring City Services such as off-duty Police, Fire Rescue, among other personnel/services. These departments will determine minimum staffing levels for the event.
- ❖ FEE SCHEDULE: Depending on nature and scope of your event additional fees may apply. Please refer to the fee schedule attached.

We look forward to assisting you produce a successful event in the City Miami Beach. If you have any questions regarding the application permitting process, we urge you to call the Special Events Office at 305-673-7577.

Special Events Permit Requirements and Guidelines

SPECIAL EVENTS APPLICATION

DATE OF APPLICATION: _____

TITLE OF EVENT: _____

EVENT DESCRIPTION (please attached schedule of events): _____

EVENT DATE(S): _____

EVENT HOURS: _____

EVENT LOCATION AND COMPLETE ADDRESS(S): _____

(Please attach site plan)

SPECIFY LOCATION: ☐ Beach West of Dune ☐ Beach East of Dune ☐ Park ☐ Street
☐ Sidewalk ☐ Hotel Pool Deck/Area ☐ Other

ESTIMATED ATTENDANCE (PER DAY): _____

SET UP DATE & HOURS: _____ am/pm to _____ am/pm

BREAKDOWN DATE & HOURS: _____ am/pm to _____ am/pm

EVENT SPONSORS: _____

LOGISTICAL/PRODUCTION COMPANY: _____

NAME OF PRODUCING/HOST ORGANIZATION: _____

☐ For profit organization ☐ If you are a non-profit organization (please provide proof of not-for-profit status)

EVENT COORDINATOR: _____

TITLE: _____ COMPANY: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ MOBILE: _____ FAX: _____

WEB-SITE: _____ E-MAIL: _____

ON SITE CONTACT: _____ MOBILE: _____

Special Events Permit Requirements and Guidelines

EVENT INFO

1. Please describe the nature and scope of proposed event and the programming involved with it (attachments accepted): _____

2. Is this an annual event? ☐ YES ☐ NO (please check one)
3. How many years have you held this event? _____
4. Please list two previous events you have coordinated along with City Government references with phone numbers: _____

5. Is this event open to the public? ☐ YES ☐ NO (please check one)
6. Please state admission/ticket fee(s): _____
7. Specify type of event (Check more than one box if applicable):

<input type="checkbox"/> Community	<input type="checkbox"/> Concert/performance	<input type="checkbox"/> Fair/carnival
<input type="checkbox"/> Festival	<input type="checkbox"/> Filming/Broadcast	<input type="checkbox"/> Fund raiser
<input type="checkbox"/> Parade	<input type="checkbox"/> Political	<input type="checkbox"/> Private party
<input type="checkbox"/> Religious	<input type="checkbox"/> Sports/recreational	<input type="checkbox"/> Other _____
8. Applicant's Status:

<input type="checkbox"/> Charitable	<input type="checkbox"/> For profit organization
<input type="checkbox"/> Individual	<input type="checkbox"/> Not-for-profit organization -tax exempt no. _____
<input type="checkbox"/> Other	
9. Will the event be filmed? ☐ Yes ☐ No. (If yes please contact the City's Film Office at 305-673-7070 or log on to www.filmiami.org to apply for a permit).
10. Will the event require the renting of a City facility? _____ If yes, which facility: _____
11. Please list any other venues or event locations in which you will be holding pre or post event parties: _____

NEIGHBORHOOD REVIEW/PLANNING BOARD

Events planned in the City of Miami Beach are subject to review and recommendation by the corresponding neighborhood association(s). Applicants will be required to present their event before the appropriate neighborhood association. Recommendations from the respective associations or Planning Board stating its position on the proposed event should be submitted to the Special Events Office at least 30 days prior to the event. Where a neighborhood association does not exist and events with expected attendance exceeding 200 persons per day will require approval from the Planning Board and/or commercial sign-offs from adjacent properties. Please visit the Special Events section of the City's website to download a signature survey form. For more information on Neighborhood Associations visit our website at www.miamibeachfl.gov.

Special Events Permit Requirements and Guidelines

ENTERTAINMENT/AMPLIFIED SOUND

SECTION NOT APPLICABLE: ()

Please be advised that the City of Miami Beach does not allow the override or violation of the Miami Dade County Noise Ordinance. Applicant shall abide by the Miami Dade County Noise Ordinance and City of Miami Beach ARTICLE IV noise section of the City Code.

1. Will the event require music or amplified sound: ☐ YES ☐ NO (please check one)
2. What type of amplified sound will you be using: ☐ PA system ☐ Amplified Sound/Recorded/DJ ☐ Live
3. Hours of amplified sound: _____ am/pm to _____ am/pm
4. Sound Check Hours: _____ am/pm to _____ am/pm
5. Please list of acts/performers and times of performances: _____

ALCOHOL SERVICE

SECTION NOT APPLICABLE: ()

Please be advised that events that are open to the public and feature alcohol will have to have a designated area for alcohol consumption (e.g. the area must be fenced off, preventing access to minors, and must have security at all times). A site plan to scale of your alcohol service area is required for City approval. Permittee is responsible for the enforcement of alcohol not leaving the permitted area. Also note that glass containers are not allowed on the beach. Food and beverages must be dispensed in plastic containers.

1. Will you be serving alcohol at this event? ☐ YES ☐ NO (please check one)
If you are selling liquor you are required to obtain a State of Florida Liquor License. Please log on to www.myflorida.gov Business and Professional Regulation section. Please see below on how about obtaining the license.
2. Describe your sales/distribution plan: _____

3. Describe how will this be monitored or controlled? _____

4. If the event is open to a twenty-one and under crowd please describe how you will prevent service to minors? _____

5. Will you sample alcoholic beverages be sampled? ☐ YES ☐ NO (please check one)
If you are sampling liquor please provide liquor liability on your certificate of insurance.
6. Will non-alcoholic beverages be served? ☐ YES ☐ NO (please check one)

STEPS FOR OBTAINING LIQUOR LICENSE: Please note an applicant requesting a temporary liquor license must be a non-profit entity.

1. Download application for 3-day liquor permit at: www.state.fl.us/dbpr/abt/contact/index.shtml
2. Visit the City of Miami Beach City Planning Department 2nd Floor to obtain sign-off. Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach, FL 33139.
3. Visit the Florida Department of Revenue (IRS) to obtain sign-off. State of Florida Department of Revenue, 8175 NW 12 Street #119, Miami, FL 33172, Ph: 305-470-5001.
4. Take the application with \$25.00 to State of Florida Department of Business and Professional Regulation. Division of Alcoholic Beverages & Tobacco, 8685 NW 53rd Street #100, Miami, FL 33166, Ph: 305-470-6787 x2266 (Daisy Tejera).
5. Please note you must provide the City of Miami Beach Special Events office with a copy of the liquor license.

Special Events Permit Requirements and Guidelines

PUBLIC SAFETY: POLICE AND FIRE

You may be required to hire off-duty Police and Fire; please refer to the City contact information for contact numbers. The Police and Fire Departments determine minimum staffing levels for the event. Please note that it is the applicant's responsibility to secure off-duty Police and off-duty Fire personnel for the event.

1. Describe your internal security plan: _____

2. Will the event require closing a street (s)? _____

If yes, which street (s)? _____

During what days/hours? _____ am/pm to _____ am/pm.

3. Will the event require a "Vehicle Beach Access Pass" _____

If yes, how many? _____

Vehicle Beach Policy: Vehicles are not allowed on the beach without a Vehicle Beach Access Pass and a Police escort. While on the beach the Vehicle Beach Access Pass must be displayed on the vehicle at all times. All vehicles must utilize lights and flashers when traveling on the beach, please inform your vendors of such policy. Any vehicle that is stationed on the beach for long periods to time must place an absorbent pad under the engine compartment. This will help prevented any leakage on the sand. These pads shall be properly disposed off once the vehicle vacates the beach. For more detailed information please visit our website at www.miamibeachfl.gov.

4. Will the event include: ☐ Pyrotechnics ☐ Fire Works ☐ Open Fire ☐ Gas for cooking (please check all that apply). Please list the company your working with: _____

PARKING PLAN

1. Please describe your parking plan for event production (including load-in and load-out) and attendees: _____

2. Will your event require parking meters rentals? _____ How many? _____ Where? _____

Please note that meters are only reserved for production vehicles loading-in or out. Please log on to our website to download a meter rental form www.miamibeachfl.gov.

3. Will your event need staging for production vehicles? _____ Where? _____

BUILDING DEPARTMENT PERMITS

Please note that you will need to obtain Building Department permit(s) for the following temporary structures, check off the ones that apply to your event. Please inform your vendors that they must obtain an owners affidavit from the special events office in order to obtain a permit from the Building Department.

Building Department permits are good for Thirty (30) days and they must be submitted to the Special Events office no later than Two (2) weeks prior to the event date. Failure to do so may result in non-permitted temporary structures which will not be allowed as part of your event.

Please note that per the Miami-Dade County ordinance any load-in or load-out activity/operations must cease by 11:00pm and resume the next day at 8:00am.

TEMPORARY STRUCTURES:

Temporary Structure(s)	Name of Vendor	Size(s)	Qty.
<input type="checkbox"/> Tents			
<input type="checkbox"/> Electrical-Generator			
<input type="checkbox"/> Staging			
<input type="checkbox"/> Fencing			
<input type="checkbox"/> Plumbing-Restrooms			
<input type="checkbox"/> Bleachers or Chair Risers			
<input type="checkbox"/> Temporary Structure:			
<input type="checkbox"/> Other:			

Formatted: Justified

Formatted: Justified

Formatted: Justified

Formatted: Justified

Formatted: Justified

Formatted: Justified

Formatted: Justified

Formatted: Justified

Formatted: Justified

If you are setting a riser two (2) feet or less in height, please submit a letter to the Special Events office stating that the riser will only be used for productions purposes and the public will not be allowed on it. The letter must be on company letter head signed by the applicant.

Please be advised that Turtle Season is extends from May 1 through October 31. Please visit website at www.miamibeachfl.gov for a copy of the Special Events Conditions for Marine Turtle Protection.

TEMPORARY OCCUPANT LOAD:

A temporary occupant load is required any time you enclose an area greater than 750 square feet, (e.g. a fenced in site or enclosed tent). A temporary occupant load is also required when you are exceeding the prescribed load of any given area (e.g. a hotel pool deck or allowable roof top).

Please supply two (2) sets of scaled drawings showing:

- 1) Number of entrance/exits
- 2) Plumbing facilities for the entire site
- 3) Furniture layout / floor plan
- 4) Location of temporary structures such as tents, stages, fencing, trusses, towers, bleachers (if applicable).

Building Department Contact Mr. Mohsen Jarahpour, Chief Engineering Inspector, (305) 673-7000 ext. 6770 for more information or e-mail him at mjarahpour@miamibeachfl.gov.

CONCESSIONS

If your event sells food, beverage, merchandise, tickets or collects booth rentals the applicant/producer may be required enter into a Concession Agreement with the City of Miami Beach. The Special Events office will determine that at the time of application.

1. Will you sell any of the following? ☐ Food ☐ Beverage ☐ Merchandise ☐ Tickets ☐ Booth Rental (Please check al that apply)
2. Are you working with a catering company? _____ If yes who? _____
3. Describe type and number of vendors you will hire (e.g. food vendors, beverage vendors, and merchandise vendors)?

4. Will local businesses be invited to participate as vendors? _____

Please be advised, as the event producer you are solely responsible for the compliance of your vendors. Any non-compliance could lead to cancellation of your permit regardless of what stage of the event you are at.

Special Events Permit Requirements and Guidelines

SANITATION PLAN

Please be advised that the City will hold your security deposit if additional sanitation services are needed after the conclusion of your event. Please see fee schedule for more information.

1. Please describe sanitation plan or submit a scope of services for the event (attachments accepted): _____

2. Please list the name of the sanitation company you are working with: _____ *If you do not have a designated sanitation company and you would like utilize the City's Sanitation Services, please contact Domingo Macias 786-236-2393.*
3. Number of trash receptacles? _____
4. Will your event require a dumpster(s)? ☐ YES ☐ NO (please check one) How many? _____ Where? _____

5. List number of port-o-lets placed at the event: _____ List number of disabled: _____

ECONOMIC IMPACT

1. List methods by which you intend to promote this event: _____

2. Types of advertising (check all that apply): ☐ Billboards ☐ Local Radio ☐ National Radio ☐ Local TV ☐
☐ National TV ☐ Cable TV ☐ Local Newspaper ☐ National Newspaper ☐ Direct Mail/Flyers ☐ Internet
☐ E-mail ☐ Please be
 advised that all incurred marketing cost in advance of permit approval is strictly of the producers/promoters own risk.
 Producers/promoters may not hold the City of Miami Beach liable for marketing costs if permit is denied.
3. Is the event open to the public? _____
 Please describe the public benefit of the event: _____

4. What is your general targeted audience? _____
 Please list age group(s)? _____
5. List any event signage, including light pole banners and/or directional signage: _____

6. Please list with which Hotels you are working with: _____
 Please list number of rooms for production: _____ and attendees: _____
 Please list numbers of nights for production: _____ and attendees: _____
7. Expected tourist attendance: _____ Expected local attendance: _____
8. Please describe collaboration with Miami Beach Economic Industries (nightlife, hotels, restaurants, City): _____

9. Estimated total budget: _____
10. Event Beneficiary (ies): _____

Please sure have filled out the application completely. Please provide as much application as possible, for items that do not apply please list N/A. Please be advised that all Applications are considered new and "same as last year" is not an appropriate answer. Please note that applications will be returned, unprocessed, if not filled out completely.

Special Events Permit Requirements and Guidelines

A complete application includes the required site map to scale. Site maps may be drawn in any size format as long as the reviewing staff can clearly understand the placement of all temporary structures/fixtures within the area features. Site maps should be as descriptive as possible, with boundaries and landmarks drawn to scale, and event amenities located as accurately as possible.

When returning the application, please include payment for application fee. All payments must be in the form of a cashier's check, money order or corporate check payable to the **City of Miami Beach**. **NO PERSONAL CHECK WILL BE ACCEPTED**. If you would like to pay with a credit card please visit the Special Events office, we will prepare payment for the cashier to process.

Applicant agrees that he/she has thoroughly read the City of Miami Beach's Special Event Application and Guidelines and agrees to faithfully observe and comply with the conditions, regulations, and provisions prescribed herein and by ordinances of the City of Miami Beach, the Laws of the State of Florida and the United States of America. Applicants shall ensure that all guests, vendors, concessionaires and exhibitors comply with the conditions, regulations and provisions prescribed herein and by the ordinances of the City of Miami Beach, the Laws of the State of Florida and the United States of America.

Signature

Date

Special Events Permit Requirements and Guidelines

INSURANCE REQUIREMENTS

The following is required by City of Miami Beach Risk Management Department:

1. **Commercial General Liability limits \$1,000,000.**
2. **The City of Miami Beach must be listed as a CERTIFICATE HOLDER.**
 - Certificate must show the City of Miami Beach's address:
**City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139**
3. **The City of Miami Beach must be named as an ADDITIONAL INSURED.**
 - This exact verbiage must be included under the section of Description of Operations/Locations/Vehicles/Special Items: ***The City of Miami Beach is included as an additional insured with respects to event name, dates including event load-in and load-out, location, and type of activity.***
6. **Proof of Worker's Compensation** (companies that employ more than 3 employees).
 - If policy is separate from the certificate of General Liability, applicant must list the City of Miami Beach as a CERTIFICATE HOLDER.
 - If you do not carry workers compensation because you do not employ more then three employees please provide us with a letter stating so.
6. **Liquor Liability:** limits **\$1,000,000** (if alcohol is served).
6. All policies must be issued by companies authorized to do business in Florida with a Best Key rating of **B+VI** or better.

If you have any questions, please feel free to contact the City of Miami Beach Risk Management Department at 305-673-7014.

**CITY OF MIAMI BEACH
INDEMNITY AGREEMENT**

This Indemnity Agreement made this _____ day of _____, 20____, by and between the City of Miami Beach ("City") and _____ (Name of Entity), whose address _____, ("Indemnitor").

WITNESSETH:

1. City hereby permits Indemnitor to use the following described property _____
_____ in the City of Miami Beach ("Premises") on the following day(s) _____
20____, commencing at _____ a.m./p.m., and at _____ a.m./p.m.
2. Use: Indemnitor shall use the premises solely for the purpose of: _____.
3. **Exculpation and Indemnification Clause:** Indemnitor agrees that it will indemnify, hold and save the City of Miami Beach ("City") their officers, agents, contractors and employees whole and harmless and at City's option defend same, from and against all claims, demands, actions, damages, loss, cost, liabilities, expenses and judgments of any nature recovered from or asserted against City on account of injury or damage to person or property to the extent that any such damage or injury may be incident to, arise out of, or be caused, either proximately or remotely, wholly or in part, by an act, omission, negligence or misconduct on the part of Indemnitor or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees or of any other person entering upon the Premises used hereunder with the express or implied invitation or permission of Indemnitor, or when any such injury or damage is the result, proximate or remote, of the violation by Indemnitor or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any other way arise from or out of the use by Indemnitor, its agents, servants, employees, contractors, patrons, guests, licensees or invitees of the Premises used hereunder. Indemnitor covenants and agrees that in case the City shall be made party to any litigation against Indemnitor, or in any litigation commenced by a party against any party other than Indemnitor relating to this Agreement or to the Premises used hereunder, then Indemnitor shall and will pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon City by virtue of any such litigation. These terms of indemnification shall be effective unless such damage or injury may result from the sole negligence, gross negligence or willful misconduct of City.
4. **Ordinances and Regulations:** Indemnitor shall comply with all applicable laws, statutes and ordinances and all rules and requirements of the City of Miami Beach. Indemnitor shall not admit to the premises a larger number of persons than the total number designated by the appropriate City Department the number that can safely and freely move about.
5. **Responsibility for Damage:** If the used Premises or any portion thereof, or any structure attached thereto, or any equipment, fixture, or other item contained shall be destroyed, damaged, marred, altered, or physically changed during the term in any manner whatsoever, then Indemnitor shall be responsible.

Indemnitor is to properly care for all equipment entrusted to Indemnitor during the term of this Agreement and all such equipment so entrusted which is lost, stolen, or disappeared shall be the sole responsibility of Indemnitor and Indemnitor shall pay the full replacement cost thereof to City.
6. **Insurance:** As a condition precedent to being permitted to use the Premises, Indemnitor shall, at its own expense, comply with all of the following insurance requirements of the City. It is agreed by the parties that the Indemnitor shall provide proof of the following insurance coverage to the City on or before _____, 20____:
 - (a) Commercial general liability insurance, on an occurrence form, in the amount of One Million (\$1,000,000.00) Dollar per occurrence for bodily injury, death, property damage, and personal injury. The policy must include coverage for contractual liability. If the user's activities involve the sale of alcohol, then liquor liability in the same amount is also required. These policies must name the City of Miami Beach as additional insured.
 - (b) It is understood and agreed that all coverage provided by the Indemnitor are primary to any insurance or self-insurance program the City has for these Premises and the Indemnitor and their insurance shall have no right of recovery or subrogation against the City.

Special Events Permit Requirements and Guidelines

- (c) All policies must be issued by companies authorized to do business in the State of Florida and assigned a rating of B+VI or better, per Best's Key Rating Guide, latest edition.
- (d) Alternate coverage to satisfy these requirements is subject to prior approval of the City's Risk Manager. Additional insurance coverage, as determined by the City's Risk Manager, may be required for this Agreement.

7. Other Terms and Conditions: The Indemnitor shall provide, at Indemnitor's sole cost and expense, off-duty City of Miami Beach Police Officers and off-duty City of Miami Beach Miami Beach Firefighters and/or City of Miami Beach Rescue Service, as required by the City of Miami Beach Police and Fire Departments.

IN WITNESS WHEREOF, the Indemnitor has executed this Agreement this _____ day of _____, 20____.

INDEMNITOR: _____
(Print name of Entity/Individual)

BY: _____
(Signature of Corporate Officer)

(Print name and title of person signing)

ATTEST: _____
(Signature of Corporate Secretary or Witness)

Please check one of the following:
Corporate Acknowledgement
Partnership Acknowledgement
Individual/Sole Proprietor Acknowledgement

State of _____ On this the _____ day of _____, 20____,
before me, the undersigned Notary Public of the State of _____,
County of _____, the foregoing instrument was acknowledged by _____, of _____,
(Print name and title of corporate officer)
(Print name of corporation and state or place of incorporation)
on behalf of the corporation. **WITNESS my hand and official seal.**

NOTARY SEAL
(affix here)

(Signature of Notary Public)
NOTARY PUBLIC, STATE OF _____
(Name of Notary Public: print, stamp, or type as commissioned.)
_____, Personally known to me, or _____ Produced identification:
(type of identification produced)
_____, DID take an oath, or _____ DID NOT take an oath.

CORPORATE SEAL
(affix here)

Form Approved
Legal Department

Special Events Permit Requirements and Guidelines

SPECIAL EVENTS PERMIT

IMPORTANT PLANNING INFORMATION FOR APPLICANTS/PRODUCERS

APPLICANT/PRODUCER DEADLINES GUIDE

SIXTY (60) DAYS NOTICE FOR BEACH AND NON-BEACH EVENTS

- o Application
- o \$250 application Fee (non-refundable)
- o Draft scaled site plan/narrative
- o Indemnity Agreement (submit original signed and notarized - 2 pages)
- o Certificate of Insurance must name the City of Miami Beach as the additional insured and a certificate holder, certificate must also show proof of workers compensation and Liquor Liability if applicable.
- o Detailed load-in and load-out schedule or schedule of events if load-in and load-out does not apply.
- o Sanitation (scope of services) and Parking plans

THIRTY (30) DAYS

- o \$250 Permit Fee
- o \$2,500 Security Deposit by separate check (refundable)
- o Final scaled site plan/narrative
- o Square Footage Fees
- o City Services Fees

SITE PLAN/NARRATIVE- (CAD preferred)

- o For beachfront events a preliminary scaled site plan must be submitted Sixty (60) days prior to the event. A final scaled site plan must be submitted Thirty (30) days prior to the event.
- o The site plan must show scaled dimensions in relation to the area features (e.g. if the event set up is east of the dune it must show which area of the beach; sand dunes and cross overs; and a 25ft. emergency access lane. If the event set up is west of the dune it must show which area of the beach; coral rock wall, sand dunes and cross overs; and a 25ft. emergency access lane. If an event takes place behind a hotel it must show the host hotel; neighboring hotels; sand dunes and cross overs; and a 25ft. emergency access lane).

ADA-The event site plan must show ADA compliance and signage. Please see page 14 for details.

NEIGHBORHOOD REVIEW OR PLANNING BOARD REVIEW

- o Thirty (30) days prior to the event. Applicant must receive neighborhood approval at least 30 days before the event. If you apply within 30 days of your event, you must include written approval from the appropriate neighborhood and/or business association with your application for it to be considered. Where a neighborhood association does not exist for the location of your event, approval from the Planning Board is required. Please contact the Special Events Office for neighborhood contact information or visit our website at www.miamibeachfl.gov.

BUILDING DEPARTMENT PERMITS

- o Must be submitted to the Special Events office no later than Two Weeks (2) prior to the event.
- o Temporary occupancy loads are reviewed and approved by the building department no later than Thirty (30) days prior to the event. Applicant must submit two copies of the following items: 1) Number of egress; 2) Plumbing facilities for the entire site; 3) Furniture layout/floor plan; 4) Location of temporary structures such as tents, stages, fencing, trusses, towers, bleachers (if applicable).

SANITATION DEPARTMENT PERMITS

- o Dumpster permits must be submitted to the Special Events office no later than Two Weeks (2) prior to the event.

CONCESSION AGREEMENT

- o Applicant must notify the beachfront concessionaire no later than Sixty (60) days prior to the event.
- o Copy of beachfront concessionaire release letter must be submitted to the Special Events office no later than Thirty (30) days prior to the event.
- o Concessions Agreement must be signed no later than Two Weeks (2) prior to the event.
 - o Beach Events: 15% of food, beverage, ticket sales and merchandise + 7% Sales Tax
 - o Non-Beach Events: 10% of food, beverage, ticket sales and merchandise + 7% Sales Tax
- o Concession audit must be submitted to the Special Events office no later than Thirty (30) days after the event.

PLANNING DEPARTMENT - DESIGN REVIEW

- o Light pole banners, signs, and billboards require Design Review approval prior to installation.
- o A Building Department permit is also required prior to installation.

Please note that it is the sole responsibility of the event producer to turn in all required elements. All Special Events requirements including applicable City permits should be completed no later than Two (2) Weeks prior to the event. Events that do not submit the requirements on time may not be approved by the City.

Special Events Permit Requirements and Guidelines

FEE SCHEDULE

Application Fee: \$250.00 - 60 days; application deadlines (non-refundable).

Permit Fee: \$250.00 - (refundable if event is cancelled or denied).

Security Deposit: \$2,500.00 - A refundable security deposit will be required no later than thirty (30) days in advance of the event. Based on the scope and location of the event, a pre- and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded within forty-five (45) days following the event if all restrictions are followed and public property is left in good condition and without damage. Failure to comply with restrictions imposed automatically forfeits the security deposit.

Vehicle Beach Access Pass: \$150.00 per pass/per vehicle/per event.

Concessions Agreement:

- o Beach Events: 15% of food, beverage, ticket sales and merchandise.
- o Non-Beach Events: 10% of food, beverage, ticket sales and merchandise.

Taxes:

You are required to pay a 7% State sales tax and a 2% Resort Tax (on food and beverage only). Please remit the 2% Resort Tax payment on a separate check.

Square Footage Fee: \$.25 per square foot + 7% Sales Tax (N/A with a Concession Agreement).

Lummus Park User fee: 25% of the total City Services not including administrative fees.

Lincoln Road User fee: 25% of the total City Services not including administrative fees.

Parking Meter Rentals: \$10.00 per space or meter/per day + plus administrative fees. Please contact the Parking Department at 305-673-7505 for more information.

Police Department: For information on off-duty Police services please contact off-duty at 305-673-7823.

Fire Department: For information on off-duty Fire services please contact off-duty Fire at 786-412-1076.

Building Department Permit fees: Please contact the Building Department for fee schedule please call 305-673-7610 or visit www.miamibeachfl.gov.

- o Tent Permit; Fence Permit; Stage Permit; Electrical Permit; Bleachers Permit; Restroom (Port-a-lets) Plumbing Permit ; Pool cover Permit; Temporary Occupant Load

Light Pole Banners

City of Miami Beach Processing Fee - \$50.00

For information on Miami Beach Park Rental Fees, please call 305-673-7577.

*** Additional charges may apply.

Special Events Permit Requirements and Guidelines

CITY SERVICES CONTACT LIST

Police Department

Off-duty Office – Sgt. Lisa Newland
Ph: 305-673-7823
Fax: 305-673-7067

Fire Department

Off-duty Fire Office
Tim Dougherty, Fire Special Events Coordinator
Ph: 786-412-1076
Fax: 786-276-2644

Building Department (Building Department Permits)

Ph: 305-673-7610
Fax: 305-535-7513
Temporary Occupant Load contact Mr. Mohsen Jarahpour, Chief Engineering Inspector, (305) 673-7000 ext. 6770,
mjarahpour@miamibeachfl.gov.

Code Compliance Division

Janice Pye
Ph: 305-673-7555
Fax: 305-673-7012

Parking Department (Meter Rentals)

Asha Marajh 305-673-7000 x6729
Chuck Adams 305-673-7505 x6863

Sanitation Department (Sanitation Services)

Ph: 305-673-7616
Fax: 305-673-7627
Domingo Macias 786-236-2393 mobile
Tommy Knight 786-236-2454 mobile

Property Management Department (Electrical Services)

Ph: 305-673-76330 (Please call the office to place a work order)
Fax: 305-673-7963
John Gresham, Electrician 786-367-7563 mobile

Beach Patrol

305-673-7714

Parks Department

Ph: 305-673-7730
Fax: 305-673-7725

Public Works Department

Ph: 305-673-7080
Fax: 305-673-7647
Demar Woodson

Planning and Zoning Department (Signage & Historic Preservation)

Ph: 305-673-7550
Fax: 305-673-7559

Special Events Permit Requirements and Guidelines

SPECIAL EVENTS REQUIREMENTS AND GUIDELINES AMERICANS WITH DISABILITIES ACT

All special events must be designed and operated in a manner to be in Compliance with Chapter 553, Florida Statutes (The Florida Accessibility Code). The following checklist is provided for guidance as to how compliance must be achieved:

17. Ensure curb cuts and cross walks are kept free and clear for usage, with a continuous accessible route of 44 inches in width.
18. The Event Producer must ensure that any nearby accessible on- or off-street parking ("handicapped parking") is not obstructed by vehicles loading/unloading equipment, etc. If such obstructions occur, the Event Producer must see that such obstructions are removed immediately. Accessible parking spaces shall be connected to the site's continuous accessible route, with no obstructions between the accessible parking spaces and the curb ramps that serve those spaces.
19. Any and all accessible routes created and/or installed by the Event Producer, or under the Event Producer's supervision, must have no abrupt change in level in excess of ¼ inch. Where such changes in level are present, properly bevel the change in level at a 1:2 ratio or provide a ramp with a slope not to exceed a 1:12 ratio. This is necessary to allow passage of wheelchairs or strollers and prevent tripping or the catching of walkers and canes. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface.
20. Provide a smooth transition between temporary pathways and any ramps, sidewalks, streets, or parking lots. This means no change in level exceeding ¼ inch. Any change exceeding ¼ inch requires beveling at a 1:2 ratio or the installation of a ramp with a slope not to exceed a 1:12 ratio. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface.
21. All cashier counters (counters where money transactions occur) must be no higher than 36 inches maximum above finish floor, for a minimum length of 36 inches.
22. Maintain an accessible route for access to merchandise that is both within a vendor space, as well as merchandise not contained within a vendor space. If the overflow of merchandise for patron viewing is placed behind a booth, then provide adjacent access to the merchandise via a curb ramp, as well as the placement of a pathway with a stable and firm surface necessary for the use of wheelchairs and mobility aids.
23. Merchandise for display should be within a line of sight no higher than 48 inches for persons of short stature or wheelchair users. If merchandise is displayed higher than 48 inches, merchant must provide assistance to disabled customers in order to reach items.
24. All vendor spaces shall be located on an accessible route that is a minimum of 44 inches wide.
25. If tables and seating are provided for the consumption of food, all aisles adjacent to accessible fixed seating shall provide 30 inch by 48 inch clear floor space for wheelchairs. Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.
26. For wheelchair seating spaces provided at tables or counters, knee spaces at least 27 inches high, 30 inches wide, and 19 inches deep shall be provided. The tops of accessible tables and counters shall be from 28 inches to 34 inches above the finish floor or ground.
27. Where food or drink is served at counters exceeding 34 inches in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 inches in length minimum shall be provided in compliance with the requirements of Items #9 and #10 above, or service shall be available at accessible tables within the same area.
28. Where portable toilets are provided, an accessible route shall be provided to the toilets. Five percent of the total number of toilets must be accessible. If clusters of portable toilets are distributed throughout the site, then each cluster must have accessible units.
29. If general assembly seating or standing space is provided for audience members attending a public performance at a special event, reserved wheelchair seating must be provided. Such seating must be provided in a location that allows wheelchair users an unobstructed line of sight to the stage. If seating capacity accommodates greater than 300 persons, then accessible seating shall be dispersed throughout the venue.

Special Events Permit Requirements and Guidelines

APPENDIX B

BEACHFRONT CEREMONIES QUESTIONNAIRE

TITLE OF EVENT: _____

EVENT DATE (S): _____

EVENT LOCATION(S): _____ **(Attach Site Plan)**

EVENT DESCRIPTION: _____

ESTIMATED ATTENDANCE (PER DAY): _____

EVENT HOURS: _____

SET UP: _____ **BREAKDOWN:** _____

EVENT SPONSORS: _____

PRODUCING ORGANIZATION/ENTITY: _____

CONTACT PERSON: _____

MAILING ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

PHONE: _____ **FAX:** _____ **PAGER/CELL:** _____

WEB-SITE ADDRESS: _____ **E-MAIL:** _____

Please fill out the application completely. A complete application includes the required site map. Site maps may be drawn in any size format as long as the reviewing staff can clearly understand the placement of all elements and fixtures within the area.

Please note that only the following items are allowed to be placed on the beach as part of a beachfront ceremony: chairs; a runner; an arch and a table.

Per the City's permit guidelines you may choose to hire off-duty police personnel. Please contact the Off-duty Police office at 305-673-7823 to coordinate this effort.

Applicant has read the City of Miami Beach's Special Event Guidelines and agrees to faithfully observe and comply with the conditions, regulations, and provisions prescribed herein and by ordinances of the City of Miami Beach, the Laws of the State of Florida and the United States of America. Applicants shall ensure that all guests, vendors, concessionaires and exhibitors comply with the conditions, regulations and provisions prescribed herein and by the ordinances of the City of Miami Beach, the Laws of the State of Florida and the United States of America.

Signature

Date

CITY OF MIAMI BEACH

Tourism and Cultural Development - Office of Film & Event Production Management

1700 Convention Center Drive Miami Beach, Florida 33139

Telephone 305-673-7577

Facsimile 305-673-7063

www.miamibeachfl.gov

Special Events Permit Requirements and Guidelines

APPENDIX C

BEACHFRONT CEREMONIES QUESTIONNAIRE

NAME OF GROUP: _____

BRIEF DESCRIPTION: _____

DEMO DATE(S): _____

DEMO LOCATION(S): _____ (Attach Site Plan)

ESTIMATED ATTENDANCE: _____ /PER DAY

DEMO HOURS: _____

SET UP: _____ BREAKDOWN: _____

DEMO SPONSORS: _____

PRODUCING ORGANIZATION/ENTITY: _____

CONTACT PERSON: _____

SIGNATURE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FAX: _____

PAGER: _____ CELL: _____

WEB-SITE ADDRESS: _____

E-MAIL: _____

CITY OF MIAMI BEACH

Tourism and Cultural Development - Office of Film & Event Production Management

1700 Convention Center Drive Miami Beach, Florida 33139

Telephone 305-673-7577 Facsimile 305-673-7063 www.miamibeachfl.gov

Special Events Permit Requirements and Guidelines

APPENDIX D

CITY OF MIAMI BEACH Special Events Signature Survey

Special events occurring in the City of Miami Beach require the notice and sign-off from residents and/or business, beachfront concessionaires and/or up land owners affected by the event. The survey is used by the Special Event Office in evaluating business/neighborhood support for the proposed special event. Depending on the nature and scope of the event, please note that additional notification may be required as determined by the Special Events Office.

ATTACHED YOU WILL FIND A DETAILED NARRATIVE DESCRIBING THE NATURE AND SCOPE OF THIS EVENT.

Dear business, property owner and/or resident:

The following event, _____, produced by _____

(event name)

(company name)

is being proposed to take place on such date(s): _____

from: _____ a.m./ p.m. to: _____
____ a.m./ p.m.

Description of Event:

Specific Request (street closure, meter bagging, event behind/affecting property, etc.): _____

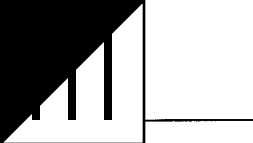
We are applying for all necessary permits and maintain all legally required liability insurance. Additionally, all personnel required to ensure public safety will be on location. We will abide by all City special event-permitting rules and any specific guidelines applicable to your neighborhood. We will make every effort not to disturb you and will treat your neighborhood with the respect it deserves. Thank you, in advance, for your hospitality and cooperation.

Event Company's contact name and number: _____

☐ I APPROVE to the event's request _____

☐ I DO NOT APPROVE to the event's request. Reasons (optional): _____

Special Events Permit Requirements and Guidelines



_____ Signature	_____ Print Name/Business Name
--------------------	-----------------------------------

_____ Address	_____ Phone (optional - for verification purposes)
------------------	---

I, as manager of the above building, **have notified** all of the tenants and know of no substantial objection to the proposed special event.

_____ Date	_____ Manager	_____ Address
---------------	------------------	------------------

CITY OF MIAMI BEACH
Tourism and Cultural Development - Office of Film & Event Production Management
1700 Convention Center Drive Miami Beach, Florida 33139
Telephone 305-673-7577 Facsimile 305-673-7063 www.miamibeachfl.gov

Special Events Permit Requirements and Guidelines

APPENDIX E

FEE SCHEDULE

Application Fee \$250.00 Permit Fee \$250.00
 Security Deposit \$2,500.00 minimum

Event Class – For Profits (Public Property) average attendees per day	Application/Processing Fee (non-refundable)	Permit Fee (refundable)	Security Deposit (refundable)
0 to 1499 attendees	\$250.00	\$250.00	\$2,500.00
1500 and above attendees	\$250.00	\$500.00	\$5,000.00

Formatted: Font: 10 pt, Not Bold

Formatted: Underline

Security Deposit: \$2,500.00 - A refundable security deposit will be required no later than thirty (30) days in advance of the event. Based on the scope and location of the event, a pre- and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded within forty-five (45) days following the event if all restrictions are followed and public property is left in good condition and without damage. Failure to comply with restrictions imposed automatically forfeits the security deposit.

Vehicle Beach Access Pass: \$150.00 per pass/per vehicle/per event.

Concessions Agreement:

- o Beach Events: 15% of food, beverage, ticket sales and merchandise.
- o Non-Beach Events: 10% of food, beverage, ticket sales and merchandise.

Taxes:

You are required to pay a 7% State sales tax and a 2% Resort Tax (on food and beverage only). Please remit the 2% Resort Tax payment on a separate check.

Square Footage Fee: \$.25 per square foot + 7% Sales Tax (N/A with a Concession Agreement).

Lummus Park User fee: 25% of the total City Services not including administrative fees.

Lincoln Road User fee: 25% of the total City Services not including administrative fees.

Parking Meter Rentals: \$10.00 per space or meter/per day + plus administrative fees. Please contact the Parking Department at 305-673-7505 for more information.

Police Department: For information on off-duty Police services please contact off-duty at 305-673-7823.

Fire Department: For information on off-duty Fire services please contact off-duty Fire at 786-412-1076.

Building Department Permit fees: Please contact the Building Department for fee schedule please call 305-673-7610 or visit www.miamibeachfl.gov.

- o Tent Permit; Fence Permit; Stage Permit; Electrical Permit; Bleachers Permit; Restroom (Port-a-lets) Plumbing Permit ;
- Pool cover Permit; Temporary Occupant Load

Light Pole Banners

City of Miami Beach Processing Fee - \$50.00

For information on Miami Beach Park Rental Fees, please call 305-673-7577.

Special Events Permit Requirements and Guidelines

Additional charges may apply.

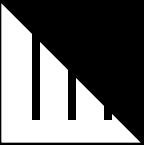
* Nonprofit organization, as defined by the City Code, means a corporation that is expressly organized for nonprofit purposes, that is in good standing at the time of the application for permit pursuant to these guidelines and that is deemed a tax exempt organization under section 501 of the Internal Revenue Code.

** Pre-established and grandfathered annual events produced for a non-profit will be required to provide a refundable \$2,500.00 security deposit. Pre-established events are defined in Section II (B) entitled "Booking Policy" herein.

*** Security deposits may be increased if the event or its producers are not in good standing with the City of Miami Beach, which includes being current on all prior debts, and has paid all contractual obligations in a timely fashion to the City and further has demonstrated a positive economic impact on the City of Miami Beach.

Special Events Permit Requirements and Guidelines

CITY OF MIAMI BEACH
DEPARTMENT OF TOURISM AND CULTURAL DEVELOPMENT
SPECIAL EVENTS OFFICE
IMPORTANT TELEPHONE NUMBERS



CONTACT DIRECTORY

City of Miami Beach Building Department	1700 Convention Center Dr. Miami Beach, FL 33139 (305) 673-7610 ph (305) 673-7857 fax	Hamid Dolikhani
City of Miami Beach Code Compliance Division	1700 Convention Center Dr. Miami Beach, FL 33139 (305) 673-7555 ph (305) 673-7543 fax	James Mazer
City of Miami Beach Fire Department Fire Prevention Bureau	2300 Pine Tree Drive Miami Beach, FL 33140 (786) 276-2620 (786) 276-2644 fax	Tim Dougherty
City of Miami Beach Parking Department	1130 Washington Avenue Miami Beach, FL 33139 (305) 673-7505 ph (305) 673-7853 fax	Asha Marahj
City of Miami Beach Planning & Zoning Department	1700 Convention Center Dr. Miami Beach, FL 33139 (305) 673-7550 ph (305) 673-7559 fax	Mercy Lamazares
City of Miami Beach Police Department (Off-Duty)	1100 Washington Avenue Miami Beach, FL 33139 (305) 673-7776 ext 5206 (305) 673-7854 fax	Lisa Newland
City of Miami Beach Property Management	1245 Michigan Avenue Miami Beach, FL 33139 (305) 673-7630 ph (305) 673-7963 fax	Brad Judd
City of Miami Beach Public Works Department	1700 Convention Center Dr. Miami Beach, FL 33139 (305) 673-7620 ph (305) 673-7647 fax	Fred Beckmann
Dade County Department of Solid Waste Management	8675 N.W. 53 Street, Suite 201 Miami, Florida 33166 (305) 594-1646 ph (305) 594-1585 fax	Leo Di Benigno
Miami Dade County Parks Department Beach Operation	7929 Atlantic Way Miami Beach, FL 33141 (305) 868-7075 ph (305) 865-4649 fax	Joe Kelly
State of Florida Department of Business and Professional Regulation Division of Hotels & Restaurants	7955 N.W. 12th Street Room 123 Miami, FL 33166 (305) 470-5680 ph (305) 470-6746 fax	Ray Thorpe

Formatted: Space After: 0 pt

Special Events Permit Requirements and Guidelines

Florida State Department of Transportation	1000 NW 111 Avenue Miami, FL 33172 (305) 470-5349 ph (305) 470-5369 fax	Jeannie Cann
Lincoln Road Marketing, Inc.	1700 Convention Center Drive Miami Beach, FL 33139 786-348-7900 mobile	Alexander Meadows
North Beach Development Corp.	210 71 st Street Suite 310 Miami Beach, FL 33141 (305) 865-4147 ph (305) 865-4175 fax	Randall Robinson
Ocean Drive Improvement Association	760 Ocean Drive Miami Beach, FL 33139 (305) 531-9478 ph (305) 531-6749 fax	Al Feola & Marlo Courtney
Washington Avenue/Espanola Way Association	Espanola Way Association 432 Espanola Way Miami Beach, 33139 305- 531-5322 ph 305531-5570 fax 305-610-7187 mobile	Andrew Cohen
State of Florida Division of Alcohol, Beverage & Tobacco	8685 N.W. 53rd Terrace Room 100 Miami, FL 33166 (305) 470-6783 ph (305) 470-5074 fax http://www.state.fl.us/dbpr/abt/forms/index.shtml	Daisy Tejera
Collins Park Neighborhood Association	bresaro@aol.com	Ray Breslin
South Pointe Residents Association	c/o Frank Del Vecchio 301 Ocean Drive, #604 Miami Beach, FL 33139 frankdelvecchio@att.net	Frank Del Vecchio

Special Events Permit Requirements and Guidelines

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY CLERK

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7411

COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: BOARD AND COMMITTEES

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Barrier Free Environment Committee	13	Commissioner Luis R. Garcia, Jr.	1	Page 3
Beach Preservation Board	10	Commissioner Jose Smith	1	
		Commissioner Richard L. Steinberg	1	Page 4
Community Development Advisory Committee	14	Commissioner Jose Smith	2	
		Commissioner Matti H. Bower	1	Page 11
		Commissioner Saul Gross	1	
		Mayor David Dermer	1	

AGENDA ITEM
DATE

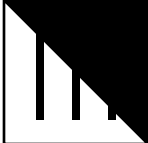
R9A
7-6-05



VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Community Relations Board	17	Commissioner Luis R. Garcia, Jr.	1	Page 12
Health Advisory Committee	11	City Commission	1	Page 18
Health Facilities Authority Board	6	City Commission	1	Page 20
Hispanic Affairs Committee	7	Commissioner Luis R. Garcia, Jr.	1	Page 21
		Commissioner Matti H. Bower	1	
		Commissioner Simon Cruz	1	
Historic Preservation Board	7	City Commission	1	Page 22
Housing Authority	5	Mayor David Dermer	1	Page 23
Marine Authority	7	Commissioner Jose Smith	1	Page 25
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith	1	Page 26

AGENDA ITEM _____
DATE _____



VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Parks and Recreational Facilities Board	10	Commissioner Jose Smith	1	Page 31
Planning Board	7	City Commission	1	Page 33
Police Citizens Relations Committee	17	Commissioner Jose Smith Commissioner Luis R. Garcia, Jr.	1 1	Page 35
Public Safety Advisory Committee	7	Commissioner Jose Smith Commissioner Matti H. Bower Commissioner Saul Gross Commissioner Simon Cruz	1 1 1 1	Page 38
Safety Committee	14	Commissioner Luis R. Garcia, Jr. Commissioner Simon Cruz Mayor David Dermer	2 1 1	Page 39
Transportation and Parking Committee	19	Mayor David Dermer	1	Page 40

Attached is breakdown by Commissioner or City Commission:


JMG:REP/lg



City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Land Use & Development Committee				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- **Miami Beach Transportation Management Association (TMA)**
- **Dade Cultural Alliance**
- **Tourist Development Council**
- **Performing Arts Center Trust (PACT)**

Commissioner Luis R. Garcia, Jr.

- **Unclassified Employees and Elected Officials Retirement System**
- **Greater Miami Convention and Visitors Bureau**

Commissioner Jose Smith

- **Metropolitan Planning Organization**

Commissioner Richard L. Steinberg

- **Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities**
- **Miami-Dade League of Cities**

THIS PAGE INTENTIONALLY LEFT BLANK

R9 - New Business and Commission Requests

R9B(1)	Dr. Stanley Sutnick Citizen's Forum.	(1:30 p.m.)
R9B(2)	Dr. Stanley Sutnick Citizen's Forum.	(5:30 p.m.)

AGENDA ITEM R9B-1-2
DATE 7-6-05

THIS PAGE INTENTIONALLY LEFT BLANK



CITY OF MIAMI BEACH
Office of the Mayor and Commission
Memorandum

To: JORGE M. GONZALEZ
CITY MANAGER

From: MATTI H. BOWER *MHB*
COMMISSIONER

Date: April 22, 2005

Re: Status of Miami Beach Senior High School Construction

The Committee for Quality Education has requested that Miami Dade County Public Schools present to the City Commission a status on the Miami Beach Senior High School project for the July 6, 2005 Commission Meeting. If Miami Dade County Public Schools is able to send a representative, I will place the item on the agenda.

Your prompt diligence to the matter is greatly appreciated.

MHB/as

RECEIVED
2005 APR 34 PM 3:34
CITY MANAGERS OFFICE
BY _____

Agenda Item R9C
Date 7-6-05

Committee for Quality Education Motion for Resolution

Motion

The Committee for the Quality Education has requested that the Mayor and Commission request a presentation from Miami-Dade County Public Schools regarding the construction of Miami Beach Senior High School, during the July 8, 2005 commission meeting

Made by Ms. Rosenberg

Seconded by Mr. Yedwab

Voice Vote: Yes 9 No Abstention

Committee Member	Yes	No
May Betancourt	✓	
Leslie Coller	✓	
Linda Grosz	✓	
Wendy Hart, Chair		
Beverly Heller	✓	
Merri Mann	✓	
Marta Montaner		
Maria Moya	✓	
Ana Patricia Ramirez		
Michele Rivera	✓	
Edgar Romano		
Rosalie Rosenberg	✓	
Flor Schulz		
Jason Yedwab	✓	

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Murray H. Dubbin
City Attorney

Subject: **Draft Ordinance - to provide that appeals from the Historic Preservation Board, the Board Of Adjustment and the Planning Board, go to the City Commission**

At the May 18, 2005 City Commission meeting, Commissioner Simon Cruz placed an item on the Agenda to refer to the Planning Board an ordinance providing that appeals from the Historic Preservation Board, the Board Of Adjustment and the Planning Board, go to the City Commission before taken to a special master or circuit court.

The City Commission, after discussion, requested that a proposed ordinance be drafted and placed on the July 6, 2005 City Commission Meeting agenda for further discussion. Subsequent to the meeting, Commissioner Cruz advised this office to omit the Board of Adjustment from the ordinance.

The draft ordinance is attached.

T:\AGENDA\2005\Jun0805\Regular\R9 - Commissioner Cruz's draft ord.rev.doc

Agenda Item R9D
Date 7-6-05

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE IV, "CONDITIONAL USE PROCEDURE," SECTION 118-197, "REVIEW OF CONDITIONAL USES," AND ARTICLE X., "HISTORIC PRESERVATION," SECTION 118-537, "REHEARINGS AND APPEALS," TO AMEND THE PROCEDURES BY WHICH APPEALS ARE TAKEN FROM CERTAIN DECISIONS OF THE CITY'S PLANNING BOARD AND HISTORIC PRESERVATION BOARD, BY PROVIDING THAT APPEALS FROM SUCH BOARDS BE TAKEN FIRST TO THE CITY COMMISSION; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations presently provide for appeals from decisions of the Planning Board on conditional uses, and from the Historic Preservation Board on certificates of appropriateness, to proceed from such boards directly to circuit court or a special master and then circuit court; and

WHEREAS, the Miami Beach City Commission has determined that it is in the best interest and welfare of the City to amend the procedures for appeals from these decisions of the Planning Board and the Historic Preservation Board; and

WHEREAS, the City Commission has determined that such appeals should be taken to the City Commission before proceeding to court; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," Section 118-197, "Review Of Conditional Uses," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 118-197. Review of conditional use decisions.

(a) An applicant may appeal a decision of the planning and zoning director to the planning board within 15 days of the date on which the director reached a decision on the conditional use

application. The appeal shall be placed on the planning board agenda within 45 days of receipt of the appeal.

(b) In order to reverse, amend, or modify a conditional use decision of the planning and zoning director, the board shall find that the director did not do one of the following:

- (1) Provide procedural due process;
- (2) Observe essential requirements of law; or
- (3) Base his/her decision upon substantial competent evidence.

The board shall issue a written order setting forth its decision, which shall be promptly mailed to all parties to the appeal.

~~(c) — An applicant, the city manager, on behalf of the administration, the owner of property located within 375 feet of the subject property, and in the case of a historic site or property located within a historic district, Miami Design Preservation League and Dade Heritage Trust may seek review of a conditional use decision of the planning board. Review of a conditional use decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.~~

(c) The applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the planning board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission. For purposes of this section, "affected person" shall mean either (i) a person owning property within 375 feet of the applicant's project reviewed by the board, or (ii) a person that appeared before the design review board (directly or represented by counsel), and whose appearance is confirmed in the record of the planning board's public hearing(s) for such project. The review shall be based on the record of the hearing before the planning board, shall not be a de novo hearing, and no new, additional testimony shall be taken. The request shall be in writing, include all applicable fees, shall be by or on behalf of a named appellant(s), shall state the factual bases and legal argument in support of the appeal, and shall be submitted to the city clerk on or before the 20th day after the date of rendition of the board's order. However, in the event that a petition for rehearing is filed, the time for filing a request shall be on or before the 20th day after the date of rendition of the board's order on the petition. Upon receipt of the request, the city clerk shall place the request for review on the city commission agenda. The city commission shall set a date and time for a hearing. Notice of the review shall be according to section 118-193, except that there shall be no requirement for mailed notification regarding the subject review. A full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition, along with a written statement identifying those specific portions of the transcript upon which the party filing it will rely for purposes of the appeal. The verbatim transcript and written statement, or if represented by legal counsel, appropriate legal briefs, shall be filed no later than two weeks prior to the first scheduled public hearing to consider the appeal.

(d) In order to reverse, or remand for amendment, modification or rehearing, any decision of the planning board, the city commission shall find that the planning board did not do one of the following:

- (1) Provide procedural due process;
- (2) Observe essential requirements of law; or
- (3) Base its decision upon substantial competent evidence.

In order to reverse, or remand a five-sevenths vote of the city commission is required. The city commission's decision shall be set forth in a written order which shall be promptly mailed to all parties to the review.

(e) Appeal from a decision of the city commission shall be to a court of competent jurisdiction by petition for writ of certiorari in accordance with the Florida Rules of Appellate Procedure.

(d) (f) Any review stays all work on the premises and all proceedings including a request for a building permit, certificate of completion or occupational license.

(Ord. No. 89-2665, § 17-4(G), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 94-2946, eff. 10-15-94; Ord. No. 96-3047, § 2, 7-3-96)

SECTION 2. That Chapter 118, "Administration And Review Procedures," Article X., "Historic Preservation," Section 118-537, "Rehearings And Appeals," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 118-537. Rehearings and appeals.

* * *

(b) Appeals.

~~(1) — The applicant, the owner(s) of the subject property, the city manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the board's decision to a special master appointed by the city commission. For purposes of this section, "affected person" shall mean either a person owning property within 375 feet of the applicant's project reviewed by the board, or a person that appeared before the board (directly or represented by counsel), and whose appearance is confirmed in the record of the board's public hearing(s) for such project. The appeal shall be based on the record of the hearing before the board, shall not be a de novo hearing, and no new, additional testimony shall be taken. The appeal shall be in writing, shall be by or on behalf of a named appellant(s), and shall be submitted to the city clerk on or before the twentieth day after the date of rendition of the board's order. However, in the event that a petition for rehearing is filed pursuant to subsection (a), above, the time for filing an appeal to the special master shall be on or before the twentieth day after the date of rendition of the board's order regarding the petition. Within 30 days of receipt of the appeal, the city clerk shall submit the appeal to the special master who shall set a date and time for hearing the appeal. Notice requirements for the hearing shall be identical to the notice requirements for the original decision upon which the appeal is based, except that there shall be no requirement for mailed notification regarding the subject appeal. A full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition; said verbatim transcripts shall be filed no later than two weeks prior to the first scheduled public hearing to consider the appeal. The appeal shall require a fee as provided in appendix A.~~

~~(2) — In order to reverse, amend, or modify any decision of the board, the special master shall find that the board did not do one of the following:~~

- a. ~~Provide procedural due process;~~
- b. ~~Observe essential requirements of law; or~~
- c. ~~Base its decision upon substantial competent evidence.~~

~~Within ten days of the date of the hearing the special master shall issue a written order setting forth his/her decision, which shall be promptly mailed to all parties to the appeal.~~

~~(3) Special masters appointed to hear appeals pursuant to this subsection (b) shall be attorneys who are members in good standing of the Florida Bar and have expertise in the area of historic preservation. Special masters shall serve terms of three years, provided however, that they may be removed without cause upon a majority vote of the city commission. Compensation for special masters shall be determined by the city commission.~~

~~(4) An applicant, the owner(s) of the subject property, the city manager, Miami Design Preservation League, Dade Heritage Trust or an affected person may appeal the decision to a court of competent jurisdiction by petition for writ of certiorari.~~

(1) The applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the historic preservation board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission. For purposes of this section, "affected person" shall mean either (a) a person owning property within 375 feet of the applicant's project reviewed by the board, or (b) a person that appeared before the design review board (directly or represented by counsel), and whose appearance is confirmed in the record of the historic preservation board's public hearing(s) for such project. The review shall be based on the record of the hearing before the historic preservation board, shall not be a de novo hearing, and no new, additional testimony shall be taken. The request shall be in writing, include all applicable fees, shall be by or on behalf of a named appellant(s), shall state the factual bases and legal argument in support of the appeal, and shall be submitted to the city clerk on or before the 20th day after the date of rendition of the board's order. However, in the event that a petition for rehearing is filed, the time for filing a request shall be on or before the 20th day after the date of rendition of the board's order on the petition. Upon receipt of the request, the city clerk shall place the request for review on the city commission agenda. The city commission shall set a date and time for a hearing. Notice of the review shall be according to section 118-563(3), except that there shall be no requirement for mailed notification regarding the subject review. A full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition, along with a written statement identifying those specific portions of the transcript upon which the party filing it will rely for purposes of the appeal. The verbatim transcript and written statement, or if represented by legal counsel, appropriate legal briefs, shall be filed no later than two weeks prior to the first scheduled public hearing to consider the appeal.

(2) In order to reverse, or remand for amendment, modification or rehearing, any decision of the historic preservation board, the city commission shall find that the historic preservation board did not do one of the following:

- (a) Provide procedural due process;
- (b) Observe essential requirements of law; or
- (c) Base its decision upon substantial competent evidence.

In order to reverse, or remand a five-sevenths vote of the city commission is required. The city commission's decision shall be set forth in a written order which shall be promptly mailed to all parties to the review.

(3) Appeal from a decision of the city commission shall be to a court of competent jurisdiction by petition for writ of certiorari in accordance with the Florida Rules of Appellate Procedure.

(Ord. No. 89-2665, § 19-13, eff. 10-1-89; Ord. No. 94-2926, eff. 4-14-94; Ord. No. 96-3056, § 1, 9-25-96; Ord. No. 98-3133, § 2, 7-15-98; Ord. No. 98-3155, §§ 2, 3, 11-18-98; Ord. No. 99-3171, § 2, 2-17-99; Ord. No. 2000-3262, §§ 3, 6, 7-26-00)

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.


PASSED AND ADOPTED this ____ day of _____, 2005.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

5-25-05
Date

T:\AGENDA\2005\Jun0805\Regular\R9 - Commissioner Cruz's draft ORDINANCE.doc



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: MURRAY H. DUBBIN
CITY ATTORNEY

FROM: MATTI H. BOWER *MHB*
COMMISSIONER

DATE: June 21, 2005

RE: RESOLUTION SUPPORTING 11 MILE "SKYWAY" FOR
RESTORATION OF EVERGLADES

Please draft a resolution supporting the 11 mile "skyway" for restoration of the Everglades and include such a resolution on the July 6th Commission meeting.

I thank you in advance for your cooperation in this matter. If you have any questions, please do not hesitate to contact my office at ext. 7107.

Thank you.

MHB/dm

Agenda Item R9E
Date 7-6-05

RESOLUTION SUPPORTING 11 MILE "SKYWAY"
FOR RESTORATION OF EVERGLADES

WHEREAS, the City of Miami Beach supports the restoration of America's Everglades,
and

WHEREAS, the 70 mile two-lane stretch of Tamiami Trail that links the east and west
coasts of South Florida from Miami to Naples cuts through the heart of the Everglades,
interrupting the natural flow of water to America's most threatened wetlands wilderness, and

WHEREAS, Miami Beach recognizes that in order to protect and enhance the natural of
water to the Everglades and Florida Bay, the Tamiami Trail, built in 1928, must be transformed
into a modern "skyway," and an environmentally-sound elevated roadway that would allow
unrestricted flow and restoration to Shark River Slough, the central artery of the Everglades, and

WHEREAS, the proposed 11-mile "skyway" would be similar to what has been built in
Louisiana, where visitors to its majestic bayous can proudly view these natural treasures on
elevated highways while imposing minimal impact on water flow and wildlife movement, and

WHEREAS, in 2001, the Science Coordination Team of the South Florida Restoration
Task Force recommended in a consensus letter to the Army Corps of Engineers that the
preferred alternative is to raise the entire 11-mile section and stated that only by building the
"skyway" could full restoration be achieved, and

WHEREAS, the 11-mile Skyway over the Everglades would provide a substantial
economic benefit to Miami Beach by promoting eco-tourism.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MIAMI BEACH:

SECTION 1: That the City of Miami Beach recommends that the U.S. Army Corps of Engineers
choose the preferred environmental alternative, an 11-mile elevated skyway over Tamiami Trail in
the Modified Waters Delivery Project

SECTION 2: That the City Manager shall send a letter within 30 days to the U.S. Army Corps of
Engineers recommending the 11-mile Skyway alternative.

SECTION 3: That the City of Miami Beach shall deliver a letter through its representative to the
Miami-Dade Metropolitan Planning Organization (MPO) endorsing the 11-mile skyway.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA URGING THE UNITED STATES ARMY CORPS OF ENGINEERS (ACOE) TO SELECT, AS AN ALTERNATIVE IN ITS MODIFIED WATERS DELIVERY PROJECT, AN ELEVATED 11 MILE "SKYWAY" OVER THE TAMiami TRAIL TO SUPPORT THE RESTORATION OF THE EVERGLADES AND DIRECTING CITY REPRESENTATIVES TO SUBMIT LETTERS TO THE ACOE AND TO THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION RECOMMENDING THE CITY'S POSITION.

WHEREAS, the City of Miami Beach supports the restoration of America's Everglades; and

WHEREAS, the 70 mile two-lane stretch of the Tamiami Trail that links the east and west coasts of South Florida from Miami to Naples cuts through the heart of the Everglades, interrupting the natural flow of water to America's most threatened wetlands wilderness; and

WHEREAS, in order to protect and enhance the natural flow of water to the Everglades and Florida Bay, the Tamiami Trail, built in 1928, must be transformed into an environmentally-sound elevated roadway or "skyway" that would allow the unrestricted flow of water and restoration to Shark River Slough, the central artery of the Everglades; and

WHEREAS, the proposed 11-mile "skyway" would be similar to what has been built in Louisiana, where visitors to its majestic bayous can proudly view these natural treasures on elevated highways while imposing minimal impact on water flow and wildlife movement; and

WHEREAS, in 2001, the Science Coordination Team of the South Florida Restoration Task Force recommended, in a consensus letter to the Army Corps of Engineers, that the preferred alternative is to raise the entire 11-mile section and stated that, only by building the "skyway" in the Modified Waters Delivery Project could full restoration be achieved; and

WHEREAS, the 11-mile Skyway over the Everglades would provide a substantial economic benefit to the City of Miami Beach by promoting eco-tourism.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

Section 1: That the Mayor and City Commission of the City of Miami Beach hereby urge the U.S. Army Corps of Engineers to choose the preferred environmental alternative, an 11-mile elevated skyway over Tamiami Trail in the Modified Waters Delivery Project; and

Section 2: That the Miami Beach City Manager is hereby directed to send a letter within 30 days to the U.S. Army Corps of Engineers recommending the 11-mile skyway alternative; and

Section 3: That the City of Miami Beach's representative to the Miami-Dade Metropolitan Planning Organization (MPO) is hereby directed to send a letter within 30 days to the MPO endorsing the 11-mile skyway.

PASSED AND ADOPTED this _____ day of July, 2005.

ATTEST:

APPROVED:

City Clerk

Mayor

(Requested by Commissioner Matti H. Bower)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. H. Bower 6-28-05
City Attorney DT Date

Build the Skyway

► [Home](#)
[Modernizing the Trail](#)
[Background Information](#)
[How You Can Help](#)

Let the water flow!

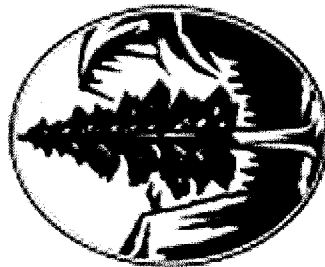


"Let the Water Flow"

The Tamiami Skyway is critically needed if Everglades restoration is to succeed—it will allow for the return of the historic water flow to the parched Everglades, and will also be beneficial to wildlife by reducing habitat fragmentation and reducing road kill. The Sierra Club believes that without it, Everglades restoration cannot happen. You can help us "let the water flow".

Supporters of the Skyway:

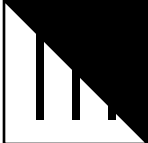
Audubon of Florida
Environmental and Land Use Law Center
Everglades Foundation
Florida Biodiversity Project
Miami-Dade Citizens Transportation Advisory Committee
National Parks Conservation Association
Natural Resources Defense Council
Science Coordination Team of the SFER Working Group
Sierra Club
World Wildlife Fund



SIERRA
CLUB
FOUNDED 1892

[Sierra Club national website](#)
[Sierra Club Florida Chapter](#)
[Sierra Club Miami Group](#)
[Miami Sierra Yahoo! group](#)
[listserve](#)

[Click here to E-mail Jonathan Ullman for more information](#)



Build the Skyway

[Home](#)[► Modernizing the Trail](#)[Background Information](#)[How You Can Help](#)

MODERNIZING TAMiami TRAIL

More than 75 years ago, Miami businessman James Franklin Jaudon had a dream—to build a road through the impenetrable swamp from Tampa to Miami. His quest took 15 years and stressed the limits of man and machine. But in 1928, the road opened to parades, a caravan of cars and beaming civic leaders. Today, Jaudon's legacy, the Tamiami Trail, still provides passage across the Everglades, but it is also severely harming one of America's greatest wetlands.

Let the Water Flow

Tamiami Trail is not just a road. It is also a dam. Tamiami Trail blocks the flow of fresh water into Everglades National Park and the world-class fisheries of Florida Bay. Scientists say the solution is to build an elevated roadway, or "skyway," to restore 98 percent of the natural flow into the Everglades. This elevated road would span 11 miles over the Shark River Slough, the main water passage into Everglades National Park and Florida Bay.

Already in Use

Elevating a road is not a new idea. In Louisiana, highways have been elevated over wetlands for decades. Interstate 10 provides safe travel and breathtaking views for travelers while avoiding the water and wildlife crossing below.

Opportunity is now

In 2005, the Everglades can have what Louisiana has known for years — an elevated roadway. The U.S. Army Corps of Engineers will consider several options for restoring flow across Tamiami Trail. They range from a small 3,000-foot span to a full 11-mile Skyway. Because their decision can affect the health of the Everglades forever, it's important to get it right.

Best for Everglades

The Everglades Skyway is already the environmentally preferred alternative of the government agencies. A committee of federal and state scientists working on Everglades Restoration has also endorsed the Skyway. The Federal Government will hold public hearings and receive public comment in the summer of 2005 and issue a final decision by year's end. Supporters of the Skyway are not limited to environmental groups. They cover a wide range of interests from businesses, to civic organizations.

Benefit to the Community

The estimated cost of the Everglades Skyway is less than 3 percent of the \$8.4 billion Everglades Restoration project. Estimated at \$250 million, the 11-mile elevated roadway is estimated to provide a sizeable return on investment to South Florida for decades. The project's engineering contracts could generate a massive infusion of jobs, new tourism and economic development. The 11-mile elevated roadway is also the best financial long-term choice of all the options. The skyway costs \$20 million per mile compared to the estimated \$30 million per mile for a 4-mile bridge or \$50 million per mile for a half-mile span.

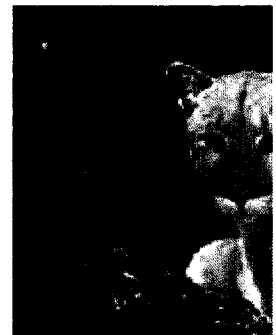


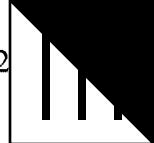
Restoration needs a Symbol

The Skyway is not only a vital restoration project, it is a visual symbol of America's commitment to restore the Everglades. A recent internal government memo complained that the Corps of engineers had nothing to show for five years of work. An elevated Skyway could change that downward spiral. Driving over the Skyway, visitors lured by international press will see what restoration is.

The Future

If the Skyway isn't built, the future for the Everglades is dim. Florida Bay's health will deteriorate. The landscape of the Everglades will become an unrecognizable mass of unconnected vegetation. Animals and birds will die. But the same human ingenuity that built Tamiami Trail can modernize it so that the Everglades can thrive. Our children and theirs deserve no less.





Build the Skyway

Home

Modernizing the Trail

► **Background Information**

How You Can Help

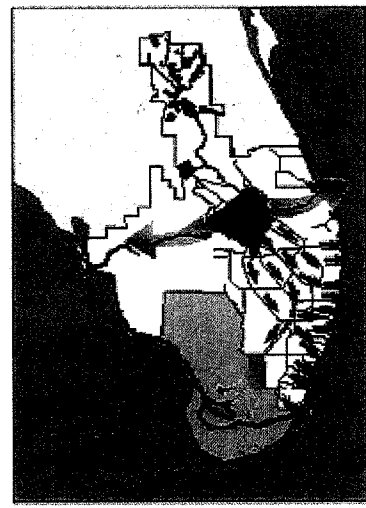
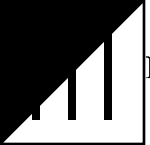
Tamiami Trail—the 70-mile, two-lane road that links the east and west coasts of south Florida from Miami to Naples—cuts through the heart of the Everglades, interrupting the natural flow of water to America's most threatened wetlands wilderness.

In order to protect and enhance the natural flow of water to the Everglades, the Tamiami Trail, built in 1928, must be transformed into a modern "skyway": an environmentally sound elevated roadway. A skyway would allow unrestricted flow and restoration to Shark River Slough, the central artery of the Everglades.

The proposed skyway would be similar to what has been built in Louisiana, where visitors to its majestic bayous can proudly view these natural treasures on elevated highways while imposing minimal impact on water flow and wildlife movement.

Congress approved a \$7.8 billion plan to restore and preserve the Everglades for Floridians and the nation. The Tamiami Skyway would provide one of the greatest benefits for water and wildlife in the entire Everglades restoration plan.

In 2001, the Science Coordination Team of the South Florida Restoration Task Force recommended in a consensus letter to Colonel May that the entire 11-mile section should be raised. They said that only by building the Skyway could full restoration be achieved.



Build the Skyway

Home
Modernizing the Trail
Background Information
▶ How You Can Help

We need your help to ensure that the skyway is built. Please let your elected officials know that you support the full 11-mile Tamiami Skyway.

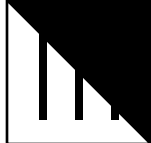
To volunteer your time or resources to our campaign, contact Jonathan Ullman, Sierra Club at 305-860-9888 or e-mail jonathan.ullman@sierraclub.org e-mail Jonathan Ullman

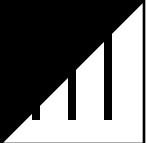
U.S. Senator Bill Nelson
DC office: 202-224-5274, Fax: 202-228-2183
Orlando office: 407-872-7161 (toll free from Florida at 1-888-671-4091), Fax: 407-872-7165
Contact Senator Nelson by e-mail

U.S. Senator Mel Martinez
DC Office: 202-224-3041, Fax: 202-228-5171
Orlando Office: 407-254-2573, Fax: 407-423-0944
Link to contact Senator Martinez through his webs



Let the w





THIS PAGE INTENTIONALLY LEFT BLANK

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **APPEAL OF DESIGN REVIEW BOARD (DRB) File No. 17369**

REVIEW AN APPEAL BY MIAMI BEACH HOTEL INVESTORS, LLC (AFFECTED ENTITY), PETITIONER OF AN ORDER OF THE DESIGN REVIEW BOARD REQUESTED BY HOTELARAMA ASSOCIATES, LTD, PERTAINING TO DRB FILE NO. 17369, WHICH EXTENDED THE TIME TO OBTAIN A BUILDING PERMIT FOR A PREVIOUSLY APPROVED PROJECT.

ADMINISTRATION RECOMMENDATION

Item withdrawn at the request of the Petitioner's Attorney.

On June 24, 2005, the City Clerk's Office received from Mr. Kent Harrison Robbins, Attorney for the Petitioner, Miami Beach Hotel Investors, LLC, a Notice of Petitioner's Voluntary Dismissal with Prejudice (see attached).

ANALYSIS

On May 16, 2005, Mr. Kent Harrison Robbins, Attorney for Miami Beach Hotel Investors, LLC (affected entity), submitted a request pursuant to Section 118-262 of the Miami Beach City Code requesting to review an appeal by Miami Beach Hotel Investors, LLC, petitioner of an order of the Design Review Board requested by Hotelarama Associates, LTD, pertaining to DRB File No. 17369, which extended the time to obtain a Building Permit for a previously approved project.

On June 8, 2005, the City Commission approved Resolution No. 2005-25926, setting a public hearing for July 6, 2005 pursuant to City Code Section 118-262 to review an appeal.

Pursuant to the request of the Petitioner's Attorney, the item is withdrawn.

JMGR/REP

T:\AGENDA\2005\Jul0605\Regular\DRB 17369 commission Memo.doc

Agenda Item R9F
Date 7-6-05

BEFORE THE CITY COMMISSION OF MIAMI BEACH

Design Review Board File No. 17369

Commission Appeal No.

MIAMI BEACH HOTEL INVESTORS, LLC,

Petitioner,

v.

DESIGN REVIEW BOARD,
CITY OF MIAMI BEACH

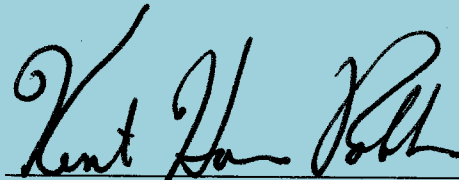
and

HOTELERAMA ASSOCIATES, LTD.

Respondents.

NOTICE OF PETITIONER'S VOLUNTARY DISMISSAL
WITH PREJUDICE

Petitioner, having amicably resolved this matter, files its Notice of
Voluntary Dismissal with Prejudice.



KENT HARRISON ROBBINS
Attorney for Petitioner
1224 Washington Avenue
Miami Beach, Florida 33139
Tel: (305) 532-0500
Fax: (305) 531-0150
Fla. Bar No. 275484

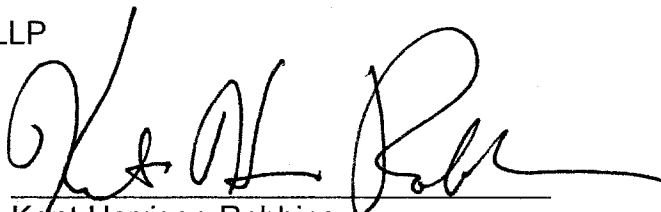
RECEIVED
05 JUN 24 AM 10:23
CITY CLERK'S OFFICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via U.S. Mail on this 23 day of June 2005.

Murray Dubbin, Esq.
City Attorney's Office
4th Floor
1700 Convention Center Drive
Miami Beach, Florida 33139

Carter N. McDowell, Esq.
Counsel to Hotelerama
Bilzin Sumberg Baena Price & Axelrod LLP
200 South Biscayne Boulevard
Miami, Florida 33131


Kent Harrison Robbins

RECEIVED
05 JUN 24 AM 10:23
CITY CLERK'S OFFICE



CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 6, 2005, at or no earlier than 10:30 a.m.**, pursuant to Miami Beach City Code Section 118-262. To Review An Appeal By Miami Beach Hotel Investors, LLC, (Effected Entity), Petitioner Of An Order Of The Design Review Board Requested By Hotelarama Associates, LTD, Pertaining To DRB File No. 17369, Which Extended The Time To Obtain A Building Permit For A Previously Approved Project.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach


Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad No. #316

**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin
City Attorney 

SUBJECT: Notice of Attorney-Client Session

DATE: June 13, 2005

Pursuant to Section 286.011(8), Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation:

Club Madonna, Inc. v. City of Miami Beach U.S. District Court, Southern District of Florida, Case No. 05-21213 CIV-MOORE

Ell-Gee, Inc., Club Madonna, and Leroy Griffith v. City of Miami Beach,
11th Judicial Circuit Case No. 04-3023-CA23

Therefore, a private attorney-client session will be held during the lunch recess of the City Commission meeting on July 6, 2005 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation. The specific time period for and the commencement of the attorney-client session shall be announced by the chair of the commission meeting at the opening of the attorney-client session. The termination of the attorney-client session shall be announced by the chair of the commission meeting at the re-opening of the commission meeting after the lunch recess.

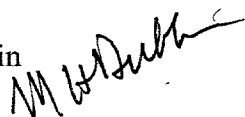
The following individuals will be in attendance: Mayor David Dermer; Members of the City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Don Papy, First Assistant City Attorney Gary Held and Senior Assistant City Attorney Roberto Datorre.

Agenda Item R10A
Date 7-6-05

THIS PAGE INTENTIONALLY LEFT BLANK

**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin 
City Attorney

SUBJECT: Notice of Attorney-Client Session

DATE: June 29, 2005

Pursuant to Section 286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation:

City of Miami Beach, a Florida municipal corporation vs. Miami-Dade County,
Micky Biss and USA Express, Inc. District Court of Appeal, Third District,
Case No. 3D04-1589, Lower Tribunal No. 03-682 AP

Therefore, a private closed Attorney-Client session will be held during the lunch recess of the City Commission meeting on July 6, 2005 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above referenced litigation matter.

The following individuals will be in attendance: Mayor David Dermer; Members of the City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora J. Turner and Gary Held.

Agenda Item R10B
Date 7-6-05

THIS PAGE INTENTIONALLY LEFT BLANK

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: July 6, 2005

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin *MH Dubbin*
City Attorney

SUBJECT: City Attorney's Status Report

I. LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Homecomings Financial Network, Inc. vs. Maria A. C. Benitez et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-10984 CA 21

This is a mortgage foreclosure case for real property located at 3640 Yacht Club Drive, Aventura, Florida 33180. Although this property is not located on Miami Beach, to protect any potential interests the City may have, an Answer was filed June 17, 2005.

2. HSBC Mortgage Corporation, successor by merger to Republic Consumer Lending Group, Inc. vs. Benito Fernandez et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-11422 CA 21

This is a mortgage foreclosure case for real property located at 3200 N.W. 18th Avenue, Miami. Although this property is not located on Miami Beach, to protect any potential interests the City may have, an Answer was filed June 22, 2005.

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
Page 2
July 6, 2005

3. Beach Hotel Associates, LLC d.b.a Delano Hotel, Chisolm Properties South Beach, Inc., d/b/a Doubletree Surfcomber Hotel, and Sagamore Partners, Ltd., d/b/a Sagamore Hotel vs. Ritz Plaza, LLC and City of Miami Beach. Special Master of the City of Miami Beach, HB File No. 2445

Appeal to Special Master from decision of HP Board. Notice of Hearing and Scheduling Order received June 12, 2005. City of Miami Beach Notice of Unavailability filed June 14, 2005. Motion of Appellants to Alter Notice of Hearing and Scheduling Order and Response to Motion to Expedite filed June 21, 2005 requesting Appellee's (City's) responsive brief due August 1, 2005. Dates not yet confirmed.

4. Michael Wirth vs. City of Miami Beach Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-12111 CA 10

The City was served with this Complaint on June 15, 2005, wherein the Plaintiff alleges that February 22, 2004 he was arrested because he was going the wrong way on a one way street and during the arrest the handcuffs that were put on him were too tight causing injuries to his wrists and hands. An answer and affirmative defenses will be timely filed and discovery propounded.

5. Wachovia Bank, National Association vs. Pamela J. Anselmo, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-11889 CA 27

This is a mortgage foreclosure case for real property located at 3083 N. Bay Road, Miami Beach 33140. A request has been made to the Finance Department to provide a lien statement for this property. It will be forthcoming shortly. An Answer will be filed prior to July 5, 2005.

6. Jimmie W. Newton vs. City of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-12451 CA 10

Pro se Plaintiff filed suit against Defendants alleging violation of due process under the United States Constitution regarding employment complaints. The City was served on June 21, 2005; Wierleski was served on June 20, 2005. Defendants have until July 10, 2005 to respond the Plaintiff's Complaint.

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
Page 3
July 6, 2005

7. Joyce Foreman vs. The Forge, a Florida Corporation and ALM Investment Corp., d/b/a The Forge, a Florida Corporation, and The City of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-00607 CA 13

The City was served with this Complaint on June 24, 2005, wherein the Plaintiff alleges that on June 2, 2001 she was caused to trip and fall in front of the Forge Restaurant due to an allegedly hazardous condition in the sidewalk near the valet station, causing her to sustain injuries. A timely answer and affirmative defenses will be filed and discovery propounded.

THIS PAGE INTENTIONALLY LEFT BLANK

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **PARKING STATUS REPORT**

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of April 2005. In April 2005, gross revenues at attended facilities (garage and lots) increased by 13.12% as compared to the prior year's period.

During the month of April 2005, the Parking Department's attended locations earned a net profit of \$571,893.50. This is an increase in net profit of \$27,134.39 or 4.98% as compared to the same period in the prior year. The year to date net profit is \$3,925,645.30. This is a decrease in net profit of \$152,341.59 or 3.74%.

A) 17th Street Municipal Parking Garage: April 2005

During the month of April 2005, the 17th Street Garage had net revenues of \$228,644.57. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$60,780.00, transient parking revenues of \$161,564.57, and valet rental fees of \$6,300.00. Net revenues increased from \$191,219.34 in 2004, to \$228,644.57 in 2005; a 19.57% increase in net revenues. After subtracting operating expenses of \$111,031.52 the facility had a net profit for the month in the amount of \$117,613.05. This represents an increase in net profit for the facility in the amount of \$1,936.82 or 1.67% when compared to the same period in the previous year. This increase is primarily attributable to an increase in transient parking revenues of \$34,425.23 that was partially offset by an increase in attendant cashier labor expense of \$28,118.97. The 17th Street Garage served a total of 86,904 parkers in the month of April, 2005.

B) 7th Street Municipal Parking Garage: April 2005

During the month of April 2005, the 7th Street Municipal Parking Garage had net revenues of \$205,478.73. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$15,675.00 and transient parking revenues of \$189,803.73. When compared to the same month in the prior year (April 2004), net revenues increased from \$183,439.95 in 2004, to \$205,478.73 in 2005; a 12.01% increase in net revenues. After subtracting operating expenses of \$69,090.76 and debt service of \$59,500.00 the facility had a net profit for the month in the amount of \$76,887.97. This is an increase in net profit of \$3,867.96 or 5.30% as compared to the same period in the previous year. This increase is primarily attributable to an increase in transient parking revenues of \$20,088.78. The 7th Street Garage served a total of 41,652 parkers in the month of April, 2005.

Agenda Item

B

Date

7-6-05

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): April 2005

During the month of April 2005, the 5-A Surface Lots had net revenues of \$174,390.23. Net revenues are comprised of facility-specific access-card revenues of \$17,280.00 and transient parking revenues of \$157,110.23. When compared to the same period in the prior year, (April 2004), net revenues increased from \$158,329.18 in 2004, to \$174,390.23 in 2005; representing a 10.14% increase in net revenues. After subtracting operating expenses of \$43,547.71, the facility had a net profit for the month in the amount of \$130,842.52. This is a decrease in net profit of \$2,682.58 or 2.01% from April 2004. This decrease is primarily attributable to an increase in attendant cashier labor expense of \$18,930.75. The 5-A Municipal Surface Parking Lot served a total of 26,695 parkers in the month of April, 2005.

D) 12th Street Municipal Parking Garage: April 2005

During the month of April 2005, the 12th Street Garage had net revenues of \$42,321.76. Net revenues are comprised of facility-specific monthly parking revenues of \$3,900.00 and transient parking revenues of \$38,421.76. When compared to the same month in the prior year (April 2004), net revenues increased from \$36,718.13 in 2004, to \$42,321.76 in 2005; a 15.26% increase in net revenues. After subtracting operating expenses of \$22,940.97 the facility had a net profit for the month in the amount of \$19,380.79. This is a decrease in net profit of \$115.36 or 0.59%. The 12th Street Garage served a total of 6,553 parkers in the month of April 2005.

E) 13th Street Municipal Parking Garage: April 2005

During the month of April 2005, the 13th Street Garage had net revenues of \$73,551.58. Net revenues are comprised of facility-specific monthly parking permit revenues of \$8,160.00 and transient parking revenues of \$65,391.58. Compared to the same month in the prior year (2004), net revenues increased from \$65,141.13 in 2004, to \$73,551.58 in 2005; representing a 12.91% increase in net revenues. After subtracting operating expenses of \$29,579.07, the facility had a net profit for the month in the amount of \$43,972.51. This is an increase in net profit of \$8217.49 or 22.98% from April 2004. The 13th Street Garage served a total of 14,645 parkers in the month of April 2005.

F) 16th Street-Anchor Parking Garage: April 2005

During the month of April, 2005, the 16th Street Garage had net revenues of \$171,265.83. Net revenues are comprised of facility-specific monthly parking revenues of \$30,150.00, transient parking revenues of \$119,298.55, and valet rental fees of \$21,817.28. Compared to the same month in the prior year (2004), net revenues increased from \$143,531.26 in 2004, to \$171,265.83 in 2005; representing a 19.32% increase in net revenues. After subtracting operating expenses of \$56,410.60 the facility had a net profit for the month in the amount of \$114,855.23. This is an increase in net profit of \$29,897.38 or 35.19% from April 2004 and is primarily attributable to an increase in transient parking revenues of \$17,875.23, an increase in Loew's and Royal Palm valet revenue of \$21,817.28, and offset by an increase in attendant cashier labor expense of \$27,423.35. The 16th Street Garage served a total of 26,262 parkers in the month of April, 2005.

G) 42nd Street Municipal Parking Garage: April 2005

During the month of April, 2005, the 42nd Street Garage had net revenues of \$28,199.44. Net revenues are comprised of facility-specific monthly parking revenues of \$25,020.00 and transient parking revenues of \$3,179.44. Compared to the same month in the prior year (2004), net revenues decreased from \$38,300.92 in 2004, to \$28,199.44 in 2005; representing a 26.37% decrease in net revenues. After subtracting operating expenses of \$19,358.01 the facility had a net profit for the month in the amount of \$8,841.43. This is a decrease in net profit of \$13,987.32. This decrease is primarily attributable to a decrease in facility-specific parking revenues of \$10,080.00 and an increase in cleaning expenses of \$1,612.00 and attendant/cashier labor of \$2,312.31. The 42nd Street Garage served a total of 18,294 parkers in the month of April, 2005.

H) Electronic Parking Meter Revenue Comparison: April 2005

This statement compares parking meter revenue collected in April 2005, with revenue collected in April 2004. When comparing revenues for April 2005 in the amount of \$895,346.63 to revenues for April 2004 in the amount of \$827,522.61, the report reflects an increase of \$67,824.02 or 8.20% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of April 2005 decal and permit revenue received was \$120,705.07 and meter rental revenue (valet, construction, and special events) was \$80,031.17 versus \$95,424.99 and \$104,213.61 respectively in April 2004. The combined total revenue produced at meters for the month of April 2005 was \$1,096,082.87. This reflects an increase from the previous year in the amount of \$68,921.66 or 6.71%.

I) Parking and Transportation Smart Card Sales: April 2005

In the month of April 2005, the Parking Department sold 2,117 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of \$52,397.50.

J) Hotel Hangtag Sales: April 2005

In the month of April 2005, the Parking Department sold 2700 hotel hangtags to hoteliers in the amount of \$16,200.00.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY
April 2005**

LOCATION	REVENUE			EXPENSES			PROFIT/(LOSS)		Percent of Increase/ (Decrease)
	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2004 April	2005 April	Increase/ (Decrease)	2005 April	
17 St. Garage	191,219.34	228,644.57	37,425.23	19.57%	75,543.11	111,031.52	35,488.41	117,613.05	1.67%
7th St. Garage	183,439.95	205,478.73	22,038.78	12.01%	50,919.94	69,090.76	18,170.82	136,387.97	2.92%
17th St. Lots	188,329.18	174,390.23	16,061.05	10.14%	24,804.08	43,547.71	18,743.63	130,842.52	-2.01%
12th St. Garage	36,718.13	42,321.76	5,603.63	15.26%	17,221.98	22,940.97	5,718.99	19,380.79	-0.59%
13th St. Garage	65,141.13	73,551.58	8,410.45	12.91%	29,386.11	29,579.07	192.96	43,972.51	22.98%
42nd St. Garage	38,300.92	28,189.44	(10,101.48)	-26.37%	15,472.17	19,358.01	3,885.84	8,841.43	-61.27%
16th St. - Anchor	143,531.26	171,265.83	27,734.57	19.32%	58,573.41	56,410.60	(2,162.81)	114,855.23	35.19%
Totals	816,679.91	923,852.14	107,172.23	13.12%	271,920.80	351,958.64	80,037.84	571,893.50	4.98%

Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space
-------------------	--------------------	-------------------------

17 St. Garage	156.61	76.05	80.56	The 17th Street Garage has 1,460 spaces.
7th St. Garage	318.08	106.95	211.13	The 7th Street Garage has 646 spaces.
17th St. Lots	344.64	86.06	258.58	The 17th Street Lots have 506 spaces.
12th St. Garage	315.83	171.20	144.63	The 12th Street Garage has 134 spaces.
13th St. Garage	257.17	103.42	153.75	The 13th Street Garage has 286 spaces.
42nd St. Garage	45.48	31.22	14.26	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	213.28	70.25	143.03	The 16th Street - Anchor Garage has 803 spaces.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY - YEAR TO DATE
October 2004 - April 2005**

LOCATION	REVENUE			EXPENSES			PROFIT/(LOSS)		
	2004 April YTD	2005 April YTD	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2004 April YTD	2005 April YTD	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2004 April YTD
17 St. Garage	1,512,251.31	1,664,397.11	152,145.80	10.06%	522,981.24	698,558.80	175,577.56	33.57%	989,270.07
7th St. Garage	1,224,959.47	1,220,466.49	(4,492.98)	-0.37%	362,277.90	435,436.32	73,158.42	20.19%	862,681.57
17th St. Lots	1,132,732.81	1,159,729.32	26,996.51	2.38%	177,981.23	238,278.26	60,297.03	33.88%	954,751.58
12th St. Garage	239,887.05	261,335.00	21,447.95	8.94%	123,882.98	140,945.60	17,062.62	13.77%	116,004.07
13th St. Garage	420,751.40	456,947.38	36,195.98	8.60%	207,987.34	230,145.31	22,157.97	10.65%	212,764.06
42nd St. Garage	275,564.09	243,318.33	(32,245.76)	-11.70%	113,036.21	133,486.96	20,450.75	18.09%	162,527.88
16th St. - Anchor	1,067,090.57	1,152,873.38	85,782.81	8.04%	287,102.91	356,570.46	69,467.55	24.20%	779,987.66
Totals	5,873,236.70	6,159,067.01	285,830.31	4.87%	1,795,249.81	2,233,421.71	438,171.90	24.41%	4,077,986.89
									3,925,645.30
									(152,341.59)
									16,315.26
									2,09%
									-3.74%

Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space
1,140.00	478.46	661.53
1,889.27	674.05	1,215.22
2,291.96	470.91	1,821.05
1,950.26	1,051.83	898.43
1,597.72	804.70	793.01
392.45	215.30	177.15
1,435.71	444.05	991.66

The 17th Street Garage has 1,460 spaces.
The 7th Street Garage has 646 spaces.
The 17th Street Lots have 506 spaces.
The 12th Street Garage has 134 spaces.
The 13th Street Garage has 286 spaces.
The 42nd Street Garage has 620 spaces.
The 16th Street - Anchor Garage has 803 spaces.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G
April 2005

LOCATION	ACCOUNTING CODE	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Garage - 2G						
Revenue						
Revenue-Ticket	480-8000-344583	127,139.34	161,564.57	34,425.23		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	57,780.00	60,780.00	3,000.00		
	17th Street - 2G REVENUE (Sales Tax Excluded)	191,219.34	228,644.57	37,425.23	19.57%	\$156.61
Expenses						
Security Personnel		15,804.17	18,236.29	2,432.12 (1).		
Attendant/Cashier Labor		45,314.47	73,433.44	28,118.97 (2).		
FP&L		6,473.39	5,921.79	(551.60) (3).		
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00		
Armed Guard Revenue Pickup		420.00	420.00	0.00		
Elevator Maintenance		425.00	425.00	0.00		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		5,331.08	10,820.00	5,488.92 (4).		
	17th St. Garage - 2G EXPENSES	75,543.11	111,031.52	35,488.41	46.98%	\$76.05
	17th St. Garage PROFIT/(LOSS)	115,676.23	117,613.05	1,936.82	1.67%	\$80.56
Number of Spaces						1460

Notes:

The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road, Conventions, TOPA, and the New World Symphony.

(1). April 2004 Security Personnel figure consists of 1,288.03 total labor hours. While, April 2005 Security Personnel figure consists of only 1,486.25 total labor hours.

(2). April 2004 Attendant/Cashier Labor figure consists of only 4,307.46 total labor hours at the average rate of \$ 10.52 per hour. While, April 2005 Attendant/Cashier Labor figure consists of 4,918.75 total labor hours at the average rate of \$14.93 per hour.

(3). April 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through April 2003.

(4). April 2005 Garage Cleaning/Maintenance charge of \$10,820 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

City of Miami Beach
Parking Department
Daily Revenue Report
17th Street Garage - 2G

April 2005

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Friday	3761	19:00-19:59	589	\$7,517.76
2	Saturday	3318	19:00-19:59	701	\$8,726.17
3	Sunday	3893	17:00-17:59	816	\$10,017.76
4	Monday	2035	17:00-17:59	307	\$2,330.84
5	Tuesday	2186	17:00-17:59	328	\$2,374.77
6	Wednesday	2315	17:00-17:59	359	\$2,457.09
7	Thursday	2383	16:00-16:59	348	\$2,748.60
8	Friday	3072	16:00-16:59	395	\$4,632.71
9	Saturday	3774	20:00-20:59	644	\$9,196.26
10	Sunday	3822	18:00-18:59	718	\$8,981.31
11	Monday	2289	17:00-17:59	362	\$3,055.14
12	Tuesday	2345	17:00-17:59	388	\$2,957.01
13	Wednesday	2889	19:00-19:59	469	\$4,642.06
14	Thursday	2380	9:00-9:59	1684	\$3,380.37
15	Friday	3298	22:00-22:59	440	\$5,404.67
16	Saturday	3584	20:00-20:59	650	\$8,426.17
17	Sunday	3269	15:00-15:59	669	\$7,290.65
18	Monday	1982	17:00-17:59	314	\$2,281.31
19	Tuesday	2052	17:00-17:59	320	\$2,303.74
20	Wednesday	2353	10:00-10:59	469	\$2,771.96
21	Thursday	3227	11:00-11:59	535	\$6,825.23
22	Friday	4457	19:00-19:59	601	\$10,895.33
23	Saturday	2862	22:00-22:59	459	\$6,830.84
24	Sunday	3109	15:00-15:59	517	\$7,100.93
25	Monday	2019	17:00-17:59	297	\$2,461.68
26	Tuesday	2130	17:00-17:59	333	\$2,427.10
27	Wednesday	2277	17:00-17:59	348	\$2,600.93
28	Thursday	2814	19:00-19:59	441	\$3,917.76
29	Friday	3249	22:00-22:59	444	\$6,419.63
30	Saturday	3760	23:00-23:59	561	\$10,588.79
	TOTAL	86,904			\$161,564.57
MONTHLY PERMIT REVENUE					\$60,780.00
VALET REVENUE					\$6,300.00
TOTAL NET REVENUE					\$228,644.57

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G
April 2005**

LOCATION	ACCOUNTING CODE	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th Street Garage - 1G						
Revenue						
Revenue-Ticket	142-8000-344404	169,714.95	189,803.73	20,088.78		
Revenue-Monthly Permits	142-8000-344404	<u>13,725.00</u>	<u>15,675.00</u>	<u>1,950.00</u>		
	7th Street - 1G REVENUE (Sales Tax Excluded)	183,439.95	205,478.73	22,038.78	12.01%	\$318.08
Expenses						
Security Personnel		21,349.80	23,472.50	2,122.70 (1).		
Attendant/Cashier Labor		17,863.50	29,921.42	12,057.92 (2).		
Landscape Maintenance		918.67	918.67	0.00		
FP&L		3,067.37	2,739.59	(327.78) (3).		
Revenue Control Equipment Maintenance		700.00	700.00	0.00		
Garage Cleaning/Maintenance		4,864.00	9,242.00	4,378.00 (4).		
Armed Guard Revenue Pickup		420.00	420.00	0.00		
Elevator Maintenance		1,202.00	1,065.17	(136.83) (5).		
Surveillance System Maintenance		<u>534.60</u>	<u>611.41</u>	<u>76.81</u> (6).		
	7th Street - 1G EXPENSES	50,919.94	69,090.76	18,170.82	35.69%	\$106.95
	7th St. Estimated Debt Service	59,500.00	59,500.00	0.00	0.00%	\$92.11
	7th St. PROFIT/(LOSS)	73,020.01	76,887.97	3,867.96	5.30%	\$119.02
Number of Spaces						646

Notes:

Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons, and nightclub patrons.

(1). April 2004 Security Personnel figure consists of only 1,740.00 total labor hours. While, April 2005 Security Personnel figure consists of only 1,913.00 total labor hours.

(2). April 2004 Attendant/Cashier Labor figure consists of 1,609.32 total labor hours at the average rate of \$11.10 per hour. While, April 2005 Attendant/Cashier Labor figure consists of 2,003.50 total labor hours at the average rate of \$14.93 per hour.

(3). April 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through April 2003.

(4). April 2005 Garage Cleaning/Maintenance charge of \$9,242 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

(5). April 2005 Elevator Maintenance charge reflects the regular monthly service charge of \$1,065.17.

(6). April 2005 Surveillance System Maintenance charge reflects the regular monthly service charge of \$611.41

City of Miami Beach
Parking Department
Daily Revenue Report
7th Street Garage - 1G

April 2005

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental Goldman - No Tax	Daily Space Rental Other - Incl. Tax	Daily Revenue Including Tax
1	Friday	1953	18:00-18:59	294	387.50	144.45	\$12,768.00
2	Saturday	2112	15:00-15:59	289	387.50	144.45	\$12,103.00
3	Sunday	1852	18:00-18:59	354	387.50	144.45	\$8,873.00
4	Monday	989	1:00-1:59	229	387.50	144.45	\$3,215.00
5	Tuesday	945	14:00-14:59	174	387.50	144.45	\$3,090.00
6	Wednesday	860	14:00-14:59	151	387.50	144.45	\$3,049.00
7	Thursday	942	13:00-13:59	159	387.50	144.45	\$2,896.00
8	Friday	1380	23:00-23:59	285	387.50	144.45	\$9,678.00
9	Saturday	2218	16:00-16:59	295	387.50	144.45	\$13,657.00
10	Sunday	1968	18:00-18:59	383	387.50	144.45	\$8,480.00
11	Monday	775	15:00-15:59	154	387.50	144.45	\$2,725.00
12	Tuesday	834	14:00-14:59	132	387.50	144.45	\$2,478.00
13	Wednesday	720	18:00-18:59	111	387.50	144.45	\$2,405.00
14	Thursday	1006	19:00-19:59	173	387.50	144.45	\$3,196.00
15	Friday	1608	23:00-23:59	281	387.50	144.45	\$10,733.00
16	Saturday	2238	15:00-15:59	300	387.50	144.45	\$12,791.00
17	Sunday	1708	16:00-16:59	321	387.50	144.45	\$6,616.00
18	Monday	781	14:00-14:59	154	387.50	144.45	\$2,539.00
19	Tuesday	833	14:00-14:59	148	387.50	144.45	\$2,507.00
20	Wednesday	833	19:00-19:59	147	387.50	144.45	\$2,924.00
21	Thursday	1096	16:00-16:59	183	387.50	144.45	\$3,635.00
22	Friday	1731	16:00-16:59	276	387.50	144.45	\$11,302.00
23	Saturday	2265	23:00-23:59	305	387.50	144.45	\$13,668.00
24	Sunday	2007	19:00-19:59	316	387.50	144.45	\$8,375.00
25	Monday	823	12:00-12:59	69	387.50	144.45	\$2,887.00
26	Tuesday	876	15:00-15:59	147	387.50	144.45	\$2,992.00
27	Wednesday	696	7:00-7:59	113	387.50	144.45	\$2,123.00
28	Thursday	1198	13:00-13:59	195	387.50	144.45	\$3,998.00
29	Friday	1935	14:00-14:59	289	387.50	144.45	\$12,661.00
30	Saturday	2470	15:00-15:59	308	387.50	144.45	\$14,726.00
TOTAL		41,652			\$11,625.00	\$4,333.50	\$203,090.00

TOTAL GROSS REVENUE	\$11,625.00	\$4,333.50	\$203,090.00
SALES TAX	\$0.00	\$283.50	\$13,286.27
TOTAL NET REVENUE	\$11,625.00	\$4,050.00	\$189,803.73

Monthly Budgeted Revenue Needed to Break Even - FY 04/05 (Includes Debt Service)			
Less Current Month Net Revenue			\$205,478.73
Over/(Short)			\$205,478.73
Monthly Space Rental			
Goldman Properties - 155	\$11,625.00	No tax included	
Other - 54	\$4,333.50	Tax included	

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A - East and West
April 2005

LOCATION	ACCOUNTING CODE	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Lots - 5A East & West						
Revenue						
Revenue-Ticket	480-8000-344515	141,769.18	157,110.23	15,341.05		
Revenue-Monthly Permits	480-8000-344596	<u>16,560.00</u>	<u>17,280.00</u>	<u>720.00</u>		
	17th Street Lots - 5A REVENUE (Sales Tax Excluded)	158,329.18	174,390.23	16,061.05	10.14%	\$344.64
Expenses						
Security Personnel		953.99	766.87	(187.12) (1).		
Attendant/Cashier Labor		21,289.27	40,220.02	18,930.75 (2).		
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00		
Landscape Maintenance		502.67	502.67	0.00		
FP&L		<u>391.48</u>	<u>391.48</u>	<u>0.00</u>		
	17th St. Lots - 5A EXPENSES	24,804.08	43,547.71	18,743.63	75.57%	\$86.06
	17th St. Lots - 5A PROFIT/(LOSS)	133,525.10	130,842.52	(2,682.58)	-2.01%	\$258.58
						Number of Spaces 506

Notes:

(1). April 2004 Security Personnel figure consists of only 77.75 total labor hours. While, April 2005 Security Personnel figure consists of only 62.50 total labor hours.

(2). April 2004 Attendant/Cashier Labor figure consists of only 2,122.56 total labor hours at the average rate of \$ 10.03 per hour. While, April 2005 Attendant/Cashier Labor figure consists of 2,787.25 total labor hours at the average rate of \$14.43 per hour.

**City of Miami Beach
Parking Department
5A Surface Lots East and West**

April-05

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	Total Daily Ticket Revenue
1	Friday	930	\$3,691.59	860	\$2,980.37	\$6,671.96
2	Saturday	933	\$4,161.68	705	\$3,363.55	\$7,525.23
3	Sunday	825	\$2,804.67	522	\$1,540.19	\$4,344.86
4	Monday	759	\$1,573.83	625	\$1,227.10	\$2,800.93
5	Tuesday	776	\$1,597.20	708	\$1,314.95	\$2,912.15
6	Wednesday	821	\$1,737.38	726	\$1,511.21	\$3,248.59
7	Thursday	781	\$2,209.35	723	\$1,994.39	\$4,203.74
8	Friday	933	\$3,668.22	834	\$3,057.94	\$6,726.16
9	Saturday	1015	\$4,411.21	868	\$3,831.78	\$8,242.99
10	Sunday	891	\$2,586.92	951	\$3,013.08	\$5,600.00
11	Monday	775	\$1,628.97	746	\$1,618.69	\$3,247.66
12	Tuesday	718	\$1,892.52	795	\$1,981.31	\$3,873.83
13	Wednesday	808	\$2,147.66	735	\$2,112.15	\$4,259.81
14	Thursday	780	\$2,231.78	722	\$2,392.52	\$4,624.30
15	Friday	1021	\$3,773.83	892	\$3,045.79	\$6,819.62
16	Saturday	1023	\$4,242.99	889	\$3,592.52	\$7,835.51
17	Sunday	822	\$2,135.51	715	\$1,505.61	\$3,641.12
18	Monday	762	\$1,639.25	546	\$1,043.93	\$2,683.18
19	Tuesday	819	\$1,749.53	684	\$1,316.82	\$3,066.35
20	Wednesday	767	\$1,515.89	769	\$1,692.52	\$3,208.41
21	Thursday	989	\$3,319.63	922	\$2,897.20	\$6,216.83
22	Friday	1182	\$4,750.47	1088	\$4,391.59	\$9,142.06
23	Saturday	1012	\$4,341.12	847	\$3,719.63	\$8,060.75
24	Sunday	1020	\$3,132.71	1029	\$2,580.37	\$5,713.08
25	Monday	833	\$1,667.29	582	\$1,120.56	\$2,787.85
26	Tuesday	893	\$1,747.66	672	\$1,326.17	\$3,073.83
27	Wednesday	857	\$1,828.04	661	\$1,304.67	\$3,132.71
28	Thursday	896	\$2,800.93	894	\$2,396.26	\$5,197.19
29	Friday	1007	\$3,930.84	976	\$4,001.87	\$7,932.71
30	Saturday	1047	\$4,504.67	1049	\$5,812.15	\$10,316.82
		26,695	83,423.34	23,735	\$73,686.89	\$157,110.23
MONTHLY PERMIT REVENUE						\$17,280.00
TOTAL NET REVENUE						\$174,390.23

Excel (Fdrive/Ping/\$Pers/P&L/2003/January/5alotsrev.xls)OL/LN

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A
April 2005**

LOCATION	ACCOUNTING CODE	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
12th Street Garage - 2A						
Revenue						
Revenue-Ticket	480-8000-344504	31,798.13	38,421.76	6,623.63		
Revenue-Monthly Permits	480-8000-344593	<u>4,920.00</u>	<u>3,900.00</u>	<u>(1,020.00)</u>		
	12th Street - 2A REVENUE (Sales Tax Excluded)	36,718.13	42,321.76	5,603.63	15.26%	\$315.83
Expenses						
Security Personnel		8,245.44	8,199.43	(46.01) (1).		
Attendant/Cashier Labor		7,210.50	12,987.00	5,776.50 (2).		
FP&L		108.54	108.54	0.00		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenance		<u>1,532.50</u>	<u>1,521.00</u>	<u>(11.50) (3).</u>		
	12th Street - 2A EXPENSES	17,221.98	22,940.97	5,718.99	33.21%	\$171.20
	12th Street - 2A PROFIT/(LOSS)	19,496.15	19,380.79	(115.36)	-0.59%	\$144.63

Number of Spaces **134**

Notes:

The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

(1). April 2004 Security Personnel figure consists of 672.00 total labor hours. While, April 2005 Security Personnel figure consists of only 668.25 total labor hours.

(2). April 2004 Attendant/Cashier Labor figure consists of 690.00 total labor hours at the average rate of \$10.45 per hour. While, April 2005 Attendant/Cashier Labor figure consists of 900.00 total labor hours at the average rate of \$14.43 per hour.

(3). April 2004 Garage Cleaning/Maintenance reflects the regular monthly service charge of \$1,285 and a charge of \$247.505 for 30 additional hours of cleaning services. April 2005 Garage Cleaning/Maintenance charge of \$1,521 reflects the new regular monthly service charge from Chi-Ada Corp. The increase is due to new "Living Wage" requirements.

City of Miami Beach
Parking Department
12th Street Garage - 2A Garage

April-05

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Friday					2		2		248	252	\$1,605.61
2	Saturday							1	3	182	186	\$1,472.90
3	Sunday	1						1		187	189	\$1,510.28
4	Monday			1		2		1	1	135	140	\$656.07
5	Tuesday	1				2		2	3	153	161	\$700.93
6	Wednesday	1	1			2		2		171	177	\$829.25
7	Thursday	1		4		6		1	10	207	229	\$1,018.69
8	Friday					1	1	2	4	247	255	\$1,557.01
9	Saturday							4		235	239	\$1,805.61
10	Sunday	1						1		216	218	\$1,710.28
11	Monday		1	1		2		1	2	138	145	\$712.15
12	Tuesday				1			2		184	187	\$828.04
13	Wednesday		4			4		2	4	222	236	\$1,057.94
14	Thursday		2	5	2	2		3	4	250	268	\$1,218.69
15	Friday	1	1		1	2		9		276	290	\$1,633.64
16	Saturday							5	1	264	270	\$2,039.25
17	Sunday							1		163	164	\$1,269.16
18	Monday					1		1	4	170	176	\$856.07
19	Tuesday	1				2				183	186	\$839.25
20	Wednesday	1				3			2	205	211	\$1,099.07
21	Thursday			1		3		4	4	227	239	\$1,136.45
22	Friday	2	1	1		1		5	8	234	252	\$1,396.26
23	Saturday							5	3	226	234	\$1,788.79
24	Sunday	1						1		237	239	\$1,790.65
25	Monday	1		1		1				190	193	\$1,041.12
26	Tuesday		1			3		2	1	184	191	\$803.74
27	Wednesday	2	1					2	3	199	207	\$1,123.36
28	Thursday			2		2		5	1	238	248	\$1,119.63
29	Friday	2				2		5	3	302	314	\$1,872.90
30	Saturday		1					3	1	252	257	\$1,928.97
TOTAL		16	13	16	4	43	1	73	62	6325	6553	\$38,421.76
MONTHLY PERMIT REVENUE												\$3,900.00
TOTAL NET REVENUE												\$42,321.76

Excel (F:\drive\Ping\SPers\P&L\2003\January\12thstrev.xls)OL/LN

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A
April 2005

LOCATION	ACCOUNTING CODE	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
13th Street Garage - 17A						
Revenue						
Revenue-Ticket	480-8000-344566	57,641.13	65,391.58	7,750.45		
Revenue-Monthly Permits	480-8000-344527	<u>7,500.00</u>	<u>8,160.00</u>	<u>660.00</u>		
13th Street - 17A REVENUE (Sales Tax Excluded)		65,141.13	73,551.58	8,410.45	12.91%	\$257.17
Expenses						
Security Personnel		9,779.19	10,960.18	1,180.99 (1).		
Attendant/Cashier Labor		15,327.27	13,862.76	(1,464.51) (2).		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,404.98	1,474.46	69.48 (3).		
Revenue Control Equipment Maintenance		750.00	750.00	0.00		
Elevator Maintenance		170.00	374.00	204.00 (4).		
Armed Guard Revenue Pickup		420.00	420.00	0.00		
Garage Cleaning/Maintenance		<u>1,318.00</u>	<u>1,521.00</u>	<u>203.00</u> (5).		
13th Street - 17A EXPENSES		29,386.11	29,579.07	192.96	0.66%	\$103.42
13th Street - 17A PROFIT/(LOSS)		35,755.02	43,972.51	8,217.49	22.98%	\$153.75
Number of Spaces						286

Notes:

The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction workers, visitors to SOBE, beachgoers, and restaurant patrons.

(1). April 2004 Security Personnel figure consists of 797.00 total labor hours. While, April 2005 Security Personnel figure consists of only 893.25 total labor hours.

(2). April 2004 Attendant/Cashier Labor figure consists of 1,363.64 total labor hours at the average rate of \$11.24 per hour. While, April 2005 Attendant/Cashier Labor figure consists of 887.50 total labor hours at the average rate of \$15.62 per hour.

(3). April 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through April 2003.

(4). April 2004 Elevator Maintenance reflects the regular monthly service charge of \$170. April 2005 Elevator Maintenance charge of \$170 reflects the regular monthly service charge from Kone and a charge of \$ 204.00 for repairs on damaged doors.

(5). April 2004 Garage Cleaning/Maintenance reflects the regular monthly service charge of \$1,318. April 2005 Garage Cleaning/Maintenance charge of \$1,521 reflects the new regular monthly service charge from Chi-Ada Corp. The increase is due to new "Living Wage" requirements.

City of Miami Beach
Parking Department
13th Street Garage - 17A

April-05

Date	Day	(Art Deco) Residential Decals	Monthly Permits	Handicap	City Wide Decals	Standard Attendants	Armor Security	Best Maintenance	Daily Tickets	Total Entries	Daily Ticket Revenue
1	Friday	17		4	2	4	6		530	563	\$3,469.16
2	Saturday	15		2		3	4		469	493	\$751.40
3	Sunday	13		5	3	4	4		579	608	\$2,780.37
4	Monday	18				4	3		437	462	\$2,539.25
5	Tuesday	15		2		3	5		427	452	\$1,158.88
6	Wednesday	18			3	4	5		410	440	\$2,507.48
7	Thursday	16	2	3		3	4		402	430	\$2,396.26
8	Friday	17	1			7	3		440	468	\$651.40
9	Saturday	18		1	1	5	5		511	541	\$2,360.75
10	Sunday	19	1	3	2	3	6		617	651	\$4,603.74
11	Monday	17	1			5	3		362	388	\$2,580.37
12	Tuesday	19		2		3	2		371	397	\$599.07
13	Wednesday	19		3		3	3		377	405	\$582.24
14	Thursday	21	1	2		6	4		459	493	\$492.52
15	Friday	18	1	1	2	5	2		519	548	\$3,208.41
16	Saturday	15	1	5		4	5		487	517	\$2,742.99
17	Sunday	11		4	1	3	4		516	539	\$2,916.82
18	Monday	24		2	2	5	2		351	386	\$2,543.93
19	Tuesday	18		2		5	2		355	382	\$530.84
20	Wednesday	14		4		6	4		366	394	\$2,252.34
21	Thursday	18		2		5	1		451	477	\$512.15
22	Friday	16		3	1	5	3		458	486	\$2,744.86
23	Saturday	15		4		2	4		518	543	\$3,058.88
24	Sunday	15	1	3		2	4		554	579	\$3,442.99
25	Monday	30	1	3	2	3	3		420	462	\$1,447.66
26	Tuesday	14		5		3	5		370	397	\$2,569.16
27	Wednesday	3		1			1		413	418	\$639.25
28	Thursday	18		3		4	3		515	543	\$3,914.02
29	Friday	17		5		4	3		543	572	\$596.26
30	Saturday	11		3		4	5		588	611	\$4,798.13
TOTAL		499	10	77	19	117	108	0	13815	14645	\$65,391.58
MONTHLY PERMIT REVENUE											\$8,160.00
TOTAL NET REVENUE											\$73,551.58

Excel (F:\drive\Ping\\$\Pers\P&L\2003\January\13thstrev.xls)OL/LN

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A
April 2005**

LOCATION	ACCOUNTING CODE	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue						
Revenue-Ticket	480-8000-344531	3,200.92	3,179.44	(21.48)		
Revenue-Monthly Permits	480-8000-344595	<u>35,100.00</u>	<u>25,020.00</u>	<u>(10,080.00)</u>		
	42nd Street Garage- 8A REVENUE (Sales Tax Excluded)	38,300.92	28,199.44	(10,101.48)	-26.37%	\$45.48
Expenses						
Security Personnel		8,245.44	8,156.48	(88.96) (1).		
Attendant/Cashier Labor		3,210.77	5,523.08	2,312.31 (2).		
FP&L		1,805.96	1,856.45	50.49 (3).		
Revenue Control Equipment Maintenance		0.00	0.00	0.00		
Elevator Maintenance		430.00	430.00	0.00		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenance		<u>1,780.00</u>	<u>3,392.00</u>	<u>1,612.00</u> (4).		
	42nd St. Garage - 8A EXPENSES	15,472.17	19,358.01	3,885.84	25.12%	\$31.22
	42nd St. Garage PROFIT/(LOSS)	22,828.75	8,841.43	(13,987.32)	-61.27%	\$14.26
Number of Spaces						620

Notes:

The primary users of this facility are monthly parkers engaged in local business.

(1). April 2004 Security Personnel figure consist of only 672.00 total hours . While, April 2005 Security Personnel figure consist of only 664.75 total hours.

(2). April 2004 Attendant/Cashier Labor figure consists of 307.27 total labor hours at the average rate of \$10.45 per hour. While, February 2005 Attendant/Cashier Labor figure consists of 382.75 total labor hours at the average rate of \$14.43 per hour.

(3). April 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through April 2003.

(4). April 2004 Garage Cleaning/Maintenance reflects the regular monthly service charge of \$ 1,285.00 and a charge of \$ 495.00 for 60 additional hours of cleaning services. April 2005 Garage Cleaning/Maintenance charge of \$3,392 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

City of Miami Beach
Parking Department
Daily Revenue Reports
42nd Street Garage - 8A

April 2005

Date	Day	Total Vehicle Entries	Daily Ticket Revenue
1	Friday	828	189.72
2	Saturday	591	-
3	Sunday	384	-
4	Monday	723	150.47
5	Tuesday	745	147.66
6	Wednesday	645	156.07
7	Thursday	637	131.78
8	Friday	662	143.93
9	Saturday	449	-
10	Sunday	332	-
11	Monday	575	165.42
12	Tuesday	543	192.52
13	Wednesday	560	192.52
14	Thursday	618	127.1
15	Friday	701	178.50
16	Saturday	501	-
17	Sunday	372	-
18	Monday	596	131.78
19	Tuesday	583	137.38
20	Wednesday	638	155.14
21	Thursday	790	155.14
22	Friday	739	109.35
23	Saturday	546	-
24	Sunday	421	-
25	Monday	653	144.86
26	Tuesday	760	162.62
27	Wednesday	745	145.79
28	Thursday	773	142.06
29	Friday	740	119.63
30	Saturday	444	-
	TOTAL	18,294	3,179.44
MONTHLY PERMIT REVENUE			\$25,020.00
TOTAL NET REVENUE			\$28,199.44

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage
April 2005

LOCATION	ACCOUNTING CODE	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
16th Street - Anchor Garage						
Revenue						
Revenue-Ticket	463-8000-344911	101,423.32	119,298.55	17,875.23		
Revenue -Valet-Loew's	463-8000-344587	13,807.94	21,747.19	7,939.25		
Revenue-Valet-Royal Palm	463-8000-344587	0.00	70.09	70.09		
Revenue-Monthly Permits	463-8000-344903	28,300.00	30,150.00	1,850.00		
	16th St. - Anchor Garage REVENUE (Sales Tax Excluded)	143,531.26	171,265.83	27,734.57	19.32%	\$213.28
Expenses						
Security Personnel		13,622.77	13,631.98	9.21 (1).		
Attendant/Cashier Labor		16,028.61	27,423.35	11,394.74 (2).		
FP&L		3,800.00	3,239.29	(560.71) (3).		
Revenue Control Equipment Maintenance		775.00	775.00	0.00		
Armed Guard Revenue Pickup		420.00	420.00	0.00		
Elevator Maintenance		1,015.32	1,097.97	82.65 (4).		
Landscape Maintenance		164.67	152.00	(12.67) (5).		
Garage Cleaning/Maintenance		22,325.40	9,242.00	(13,083.40) (6).		
Sanitation (Waste Removal)		171.64	179.01	7.37 (7).		
Fire Alarm Service		250.00	250.00	0.00		
	16th St. - Anchor Garage EXPENSES	58,573.41	56,410.60	(2,162.81)	-3.69%	\$70.25
	16th St. Garage PROFIT/(LOSS)	84,957.85	114,855.23	29,897.38	35.19%	\$143.03
Number of Spaces						803

Notes:

Garage contract awarded effective June 9, 2003.

(1) April 2004 Security Personnel figure consists of only 1,110.25 total labor hours. While, April 2005 Security Personnel figure consists of 1,111.00 total labor hours.

(2). April 2004 Attendant/Cashier Labor figure consists of only 1,437.54 total labor hours at the average rate of \$11.15 per hour. While, April 2005 Attendant/Cashier Labor figure consists of 1,827.2 hours at the average rate of \$ 15.01 per hour.

(3). April 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through April 2003.

(4). April 2005 Elevator Maintenance charge reflects the regular monthly service charge of \$1,097.97

(5). April 2005 Landscape Maintenance charge reflects the regular monthly service charge of \$152.00

(6). April 2005 Garage Cleaning/Maintenance charge of \$9,242 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

(7). April 2005 Waste Removal charge of \$ 179.01 reflects the regular monthly service charge from Waste Management.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th Street - Anchor Garage
PROFIT AND LOSS STATEMENT
April 2005**

LOCATION	ACCOUNTING CODE	April 2005 Projection	April 2004 Actual	April 2005 Actual	2005 Actual Over (Under) 2004 Actual	Actual Percent Over (Under)	Revenue / Expense Per Space
16th St. - Anchor Garage							
Revenue							
Revenue-Ticket	463-8000-344911	77,666.17	101,423.32	119,298.55	17,875.23		
Revenue -Valet-Loew's	463-8000-344587	22,682.58	13,807.94	21,747.19	7,939.25		
Revenue-Valet-Royal Palm	463-8000-344587	0.00	0.00	70.09	70.09		
Revenue-Monthly Permits	463-8000-344903	25,991.67	28,300.00	30,150.00	1,850.00		
16th St. - Anchor Garage REVENUE (Sales Tax Excluded)		126,340.42	143,531.26	171,265.83	27,734.57	19.32%	\$213.28
Expenses							
Payroll & Related Expenses		0.00	0.00	0.00	0.00		
Tickets		416.67	0.00	0.00	0.00		
Telephone		165.00	0.00	0.00	0.00		
R&M		83.33	0.00	0.00	0.00		
Fire Extinguishers		125.00	0.00	0.00	0.00		
Licenses		0.00	0.00	0.00	0.00		
Liability Insurance		0.00	0.00	0.00	0.00		
Water		216.67	0.00	0.00	0.00		
Sewer		333.33	0.00	0.00	0.00		
Storm Water		383.33	0.00	0.00	0.00		
Supplies		416.67	0.00	0.00	0.00		
Management Fee		0.00	0.00	0.00	0.00		
Other Operating Expenses		233.33	0.00	0.00	0.00		
Security Personnel		16,993.58	13,622.77	13,631.98	9.21	(1).	
Attendant/Cashier Labor		22,496.17	16,028.61	27,423.35	11,394.74	(2).	
FP&L		3,800.00	3,800.00	3,239.29	(560.71)	(3).	
Revenue Control Equipment Maintenance & Repair		941.67	775.00	775.00	0.00		
Armed Guard Revenue Pickup		420.00	420.00	420.00	0.00		
Elevator Maintenance & Repair		1,264.64	1,015.32	1,097.97	82.65	(4).	
Landscape Maintenance		200.00	164.67	152.00	(12.67)	(5).	
Garage Cleaning/Maintenance		4,637.70	22,325.40	9,242.00	(13,083.40)	(6).	
Sanitation (Waste Removal)		175.00	171.64	179.01	7.37	(7).	
Fire Alarm Service & Repair		333.33	250.00	250.00	0.00		
16th St. - Anchor Garage EXPENSES		53,635.42	58,573.41	56,410.60	(2,162.81)	-3.69%	\$70.25
16th St. Garage PROFIT/(LOSS)		72,705.00	84,957.85	114,855.23	29,897.38	35.19%	\$143.03
						Number of Spaces	803

- Notes:**
Garage contract awarded effective June 9, 2003.
- (1) April 2004 Security Personnel figure consists of only 1,110.25 total labor hours. While, April 2005 Security Personnel figure consists of 1,111.00 total labor hours.
- (2) April 2004 Attendant/Cashier Labor figure consists of only 1,437.54 total labor hours at the average rate of \$11.15 per hour. While, April 2005 Attendant/Cashier Labor figure consists of 1,827.25 total labor hours at the average rate of \$ 15.01 per hour.
- (3) April 2004 FP&L Invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through April 2003.
- (4) April 2005 Elevator Maintenance charge reflects the regular monthly service charge of \$1,097.97
- (5) April 2005 Landscape Maintenance charge reflects the regular monthly service charge of \$152.00
- (6) April 2005 Garage Cleaning/Maintenance charge of \$9,242 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.
- (7) April 2005 Waste Removal charge of \$ 179.01 reflects the regular monthly service charge from Waste Management.

City of Miami Beach
Parking Department
Daily Revenue Report
16th Street - Anchor Garage

April 2005

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Friday	1217	13:00-13:59	159	\$5,438.32
2	Saturday	1076	15:00-15:59	131	\$6,373.83
3	Sunday	1201	14:00-14:59	214	\$6,925.23
4	Monday	677	14:00-14:59	102	\$1,972.90
5	Tuesday	664	13:00-13:59	106	\$1,947.66
6	Wednesday	758	14:00-14:59	161	\$2,303.74
7	Thursday	608	17:00-17:59	88	\$1,571.03
8	Friday	842	18:00-18:59	112	\$3,988.79
9	Saturday	1245	14:00-14:59	198	\$7,627.10
10	Sunday	1177	14:00-14:59	267	\$6,873.83
11	Monday	539	14:00-14:59	82	\$1,962.62
12	Tuesday	612	17:00-17:59	99	\$1,874.77
13	Wednesday	573	17:00-17:59	83	\$2,013.08
14	Thursday	685	12:00-12:59	91	\$2,396.26
15	Friday	900	17:00-17:59	114	\$4,610.11
16	Saturday	1295	14:00-14:59	193	\$7,969.74
17	Sunday	929	15:00-15:59	201	\$4,552.34
18	Monday	576	15:00-15:59	99	\$1,826.17
19	Tuesday	549	17:00-17:59	98	\$1,490.65
20	Wednesday	650	14:00-14:59	127	\$1,914.02
21	Thursday	858	13:00-13:59	124	\$2,496.26
22	Friday	1041	14:00-14:59	140	\$5,233.64
23	Saturday	1180	15:00-15:59	166	\$6,731.78
24	Sunday	1086	13:00-13:59	235	\$5,760.75
25	Monday	590	18:00-18:59	95	\$1,940.19
26	Tuesday	704	18:00-18:59	122	\$2,190.65
27	Wednesday	648	23:00-23:59	85	\$2,331.78
28	Thursday	818	14:00-14:59	113	\$3,159.81
29	Friday	1232	13:00-13:59	165	\$5,426.17
30	Saturday	1332	15:00-15:59	195	\$8,395.33
	TOTAL	26,262			\$119,298.55
MONTHLY PERMIT REVENUE					\$30,150.00
VALET REVENUE					\$21,817.28
TOTAL NET REVENUE					\$171,265.83

Note: Garage contract awarded effective June 9, 2003.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE
April 2005

VENDOR	# of CARDS \$25	# of CARDS with 10% Discount \$22.50	MACHINE SALES \$ Amount	REFUNDS \$ Amount	TOTAL
BAY SUPERMARKET					\$0.00
BEACH BANK					\$0.00
BRIGHAM GARDENS					\$0.00
CHAMBER OF COMMERCE		10			\$225.00
CLEAN MACHINE					\$0.00
COMPASS MARKET					\$0.00
DVINE CYBER LOUNGE					\$0.00
FINANCE DEPARTMENT	91	58			\$3,580.00
KOSHER WORLD					\$0.00
LEE ANN DRUGS					\$0.00
NEWS CAFE					\$0.00
PARKING DEPT. - Customer Service	129	51			\$4,372.50
PARKING DEPT. - Garages	1				\$25.00
PUBLIX SUPERMARKET		1,740			\$39,150.00
SHEMTOV'S					\$0.00
SUNSET CAFÉ					\$0.00
PARKING MACHINE - Cash			\$2,020.00		\$2,020.00
PARKING MACHINE - Credit Cards			\$2,125.00		\$2,125.00
WOLFSONIAN					\$0.00
ZELICK'S TOBACCO		40			\$900.00
TOTAL # OF CARDS	221	1,899			2,120
TOTAL \$ AMOUNT	\$5,525.00	\$42,727.50	\$4,145.00	\$0.00	\$52,397.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE - YEAR TO DATE
October 2004 -April 2005

VENDOR	# of CARDS	# of CARDS	MACHINE	REFUNDS	TOTAL
	\$25	with 10% Discount \$22.50	SALES \$ Amount	\$ Amount	
BAY SUPERMARKET	0	0			\$0.00
BEACH BANK	0	0			\$0.00
BRIGHAM GARDENS	0	0			\$0.00
CHAMBER OF COMMERCE	0	70			\$1,575.00
CLEAN MACHINE	0	0			\$0.00
COMPASS MARKET	0	0			\$0.00
D'VINE CYBER LOUNGE	0	0			\$0.00
FINANCE DEPARTMENT	457	399			\$20,402.50
KOSHER WORLD	0	0			\$0.00
LEE ANN DRUGS	0	260			\$5,850.00
NEWS CAFE	0	0			\$0.00
PARKING DEPT. - Customer Service	1,065	893		\$0.00	\$46,717.50
PARKING DEPT. - Garages	45	0			\$1,125.00
PUBLIX SUPERMARKET	0	14,925			\$335,812.50
SHEMTOV'S	0	0			\$0.00
SUNSET CAFÉ	0	0			\$0.00
PARKING MACHINE - Cash	-	-	\$18,960.00		\$18,960.00
PARKING MACHINE - Credit Cards	-	-	\$18,765.00		\$18,765.00
WOLFSONIAN	0	0			\$0.00
ZELICK'S TOBACCO	0	80			\$1,800.00
TOTAL # OF CARDS	1,567	16,627			18,194
TOTAL \$ AMOUNT	\$39,175.00	\$374,107.50	\$37,725.00	\$0.00	\$451,007.50

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
April 2005**

LOCATION	ACCOUNTING CODE	2005 March # of Spaces	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	46,395.53	46,938.91	543.38	1.17%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	8,436.75	5,793.15		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	184.51			
Total		57	8,621.26	5,793.15	(2,828.11)	-32.80%
1B - (78 Washington Avenue) - Off Street	480-8000-344617	12	0.00	568.76	568.76	-
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	43,701.92	39,984.62	(3,717.30)	-8.51%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	232.58	771.75	539.17	231.82%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	6,128.83	8,025.03	1,896.20	30.94%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	76,754.93	98,725.85	21,970.92	28.62%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	12,156.11	14,128.61	1,972.50	16.23%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	9,344.95	10,432.02	1,087.07	11.63%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	4,485.13	4,804.20	119.07	2.65%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	2,560.74	2,880.84		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	0.00	0.00		
Total		85	2,560.74	2,880.84	320.10	12.50%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	557.61	488.50		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	557.61	488.50	(69.11)	-12.39%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	613.95	599.31	(14.64)	-
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	2,732.31	3,280.96	548.65	20.08%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	29,961.46	26,808.89	(3,152.57)	-10.52%
6A - (22nd Street & Park) - Off Street	480-8000-344523	14	668.16	314.14	(354.02)	-52.98%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	17,210.97	25,672.07		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	0.00	0.00		
Total		190	17,210.97	25,672.07	8,461.10	49.16%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	81,185.75	79,892.47	(1,293.28)	-1.59%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	131,935.67	129,120.13	(2,815.54)	-2.13%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	641.11	453.72		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	614.95	0.00		
Total		14	1,256.06	453.72	(802.34)	-63.88%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	15,418.50	15,725.64	307.14	1.99%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	214.62	410.31	195.69	91.18%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	2,913.69	3,927.90		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
Total		173	2,913.69	3,927.90	1,014.21	34.81%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,621.93	1,752.20	130.27	8.03%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	235.97	148.35	(87.62)	-37.13%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,312.43	1,736.32	423.89	32.30%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	431.89	443.65	11.76	2.72%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	33,040.68	32,099.31	(941.37)	-2.85%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	763.53	868.55	105.02	13.75%
9B - (72nd St. & Collins) - Off Street	480-8000-344539	0	7,992.52	7,047.64		
9B - (72nd St. & Collins) - Attended	480-8000-344539	0	0.00	0.00		
Total		0	7,992.52	7,047.64	(944.88)	-11.82%
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	45.86	108.63	62.77	136.87%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
April 2005**

LOCATION	ACCOUNTING CODE	2005 March # of Spaces	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	664.20	1,110.53	446.33	67.20%
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	646.91	302.18	(344.73)	-53.29%
9F - (75th & Collins) - Off Street	480-8000-344543	106	3,772.82	4,768.94	996.12	26.40%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	10,680.42	2,683.15	(7,997.27)	-74.88%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	14,583.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	14,583.33	0.00	0.00%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	29,532.20	42,742.58	13,210.38	44.73%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	9,515.16	14,042.95	4,527.79	47.59%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,600.83	5,654.81	2,053.98	57.04%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	5,754.98	7,611.93	1,856.95	32.27%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,929.72	3,874.75	945.03	32.26%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	0.00	0.00		
Total		0	0.00	0.00	0.00	-
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	2,878.09	2,972.91		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	2,878.09	2,972.91	94.82	3.29%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	6,396.69	4,071.14		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	6,396.69	4,071.14	(2,325.55)	-36.36%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	9,690.13	17,677.11	7,986.98	82.42%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	11,557.07	11,932.13	375.06	3.25%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	2,363.53	2,679.63	316.10	13.37%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	7,209.80	12,918.80	5,709.00	79.18%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	11,679.92	6,936.91	(4,743.01)	-40.61%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	6,206.05	4,559.49	(1,646.56)	-26.53%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	12,125.68	10,309.22	(1,816.46)	-14.98%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	2,304.87	2,938.70		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	0.00	0.00		
Total		64	2,304.87	2,938.70	633.83	27.50%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	3,328.58	3,650.39		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	0.00	0.00		
Total		72	3,328.58	3,650.39	321.81	9.67%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	7,141.48	5,878.17		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	9,196.23	10,489.70		
Total		54	16,337.71	16,367.87	30.16	0.18%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	124.54	464.51	339.97	272.98%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	3,926.85	6,283.48		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	3,926.85	6,283.48	2,356.63	60.01%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	24,233.47	19,498.75		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	0.00	3,556.08		
Total		449	24,233.47	23,054.83	(1,178.64)	-4.86%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,566.48	1,063.57	(502.91)	-32.10%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
April 2005**

LOCATION	ACCOUNTING CODE	2005 March # of Spaces	2004 April	2005 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	3,995.86	1,481.43		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	0.00	0.00		
Total		158	3,995.86	1,481.43	(2,514.43)	-62.93%
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	3,757.17	3,330.95		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	0.00	0.00		
Total		121	3,757.17	3,330.95	(426.22)	-11.34%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	0.00	638.71	638.71	-
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	66.22	96.68	30.46	46.00%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,434.18	4,781.13	1,346.95	39.22%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	463.45	368.74	(94.71)	-20.44%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	635.71	0.00	(635.71)	-100.00%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	700.57	827.92	127.35	18.18%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	326.63	422.68	96.05	29.41%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	4,977.32	3,962.84	(1,014.48)	-20.38%
26Z - (Collins & 87th Street) - Off Street	480-8000-344616	15	0.00	219.42	219.42	-
10X - (Lincoln Lane & Lenox) - Off Street	480-8000-344582	99	16,275.35	28,370.86		
10X - (Lincoln Lane & Lenox) - Attended	480-8000-344582	0	0.00	0.00		
Total		99	16,275.35	28,370.86	12,095.51	74.32%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	887.29	1,210.61	323.32	36.44%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	786.27	668.82	(117.45)	-14.94%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	4,563.20	5,967.24		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	3,232.71	3,801.86		
Total		39	7,795.91	9,769.10	1,973.19	25.31%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	2,037.48	2,269.67	232.19	11.40%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	2,747.90	3,200.92	453.02	16.49%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	206.19	332.85	126.66	61.43%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	718.33	193.58	(524.75)	-73.05%
SLSP00 - (South Point Lot) - Off Street	480-8000-344602	108	4,409.99	6,574.80		
SLSP00 - (South Point Lot) - Attended	480-8000-344602	0	9,901.86	9,644.86		
Total		108	14,311.85	16,219.66	1,907.81	13.33%
4th & Alton Lot - Off Street	480-8000-344604	21	1,210.03	2,044.26	834.23	68.94%
4A - 1833 Bay Road - Off Street	480-8000-344608	0	0.00	0.00	0.00	-
7D - 10-11th & Collins (Lease)	480-8000-344529	0	3,500.00	3,500.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	0.00	0.00	0.00	-
14A - 16th Street & Washington (Lease)	480-8000-344555	0	14,583.33	14,583.33	0.00	0.00%
P50 - (24th Street & Flamingo Drive) - Off Street	480-8000-344619	0	0.00	0.00	0.00	-
P51 - (23rd Street & Liberty Avenue East) - Attended	480-8000-344620	0	0.00	6,307.49	6,307.49	-
P52 - (23rd Street & Liberty Avenue West) - Attended	480-8000-344621	0	0.00	0.00	0.00	-
P85 - (71st Street & Byron) - Off Street	480-8000-344618	0	0.00	514.30		
P85 - (71st Street & Byron) - Attended	480-8000-344618	0	0.00	1,022.41		
Total		0	0.00	1,536.71	1,536.71	-
TOTAL		8,332	\$827,522.61	\$895,346.63	\$67,824.02	8.20%

NOTE: ZONES WITH MULTI-SPACE PAYSTATIONS ARE ITALICIZED.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	147,297.18	172,645.81	160,111.23	180,829.02	213,845.81	180,743.49	161,564.57						1,217,037.11
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00						44,100.00
Revenue-Monthly Permits	480-8000-344514	55,980.00	57,120.00	56,480.00	56,180.00	57,720.00	59,040.00	60,780.00						403,380.00
17th St. - 2G REVENUE (Sales Tax Excluded)		209,577.18	236,065.81	222,871.23	243,289.02	277,865.81	246,083.49	228,644.57	0.00	0.00	0.00	0.00	0.00	1,664,397.11
Expenses														
Security Personnel		21,092.12	15,849.77	15,852.84	19,941.82	15,941.80	16,727.08	18,236.29						122,641.72
Attendant/Cashier Labor		41,006.44	51,214.30	44,920.57	80,488.29	89,524.18	58,522.20	73,433.44						435,109.42
FP&L		6,473.39	5,949.62	6,369.63	6,892.30	6,892.30	4,850.13	5,921.79						43,349.06
Revenue Control Equipment Maintenance		1,666.67	4,551.67	2,101.67	1,666.67	1,666.67	1,666.67	1,666.67						14,986.69
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00						2,940.00
Elevator Maintenance		483.60	425.00	425.00	425.00	425.00	425.00	425.00						3,033.60
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33						768.31
Garage Cleaning/Maintenance		10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00						75,740.00
17th St. - 2G EXPENSES		82,070.55	89,338.69	81,017.94	120,762.41	121,798.28	92,539.41	111,031.52	0.00	0.00	0.00	0.00	0.00	695,568.80
17th st. PROFIT/(LOSS)		127,506.63	146,727.12	141,853.29	122,526.61	156,067.53	153,544.08	117,613.05	0.00	0.00	0.00	0.00	0.00	968,838.31

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	140,671.96	158,906.54	210,057.03	154,691.53	127,139.34	153,750.35	114,394.40	108,808.42	106,967.29	75,012.15	1,638,703.92
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	57,780.00	57,680.00	57,780.00	58,020.00	57,060.00	57,900.00	676,800.00
17th St. - 2G REVENUE (Sales Tax Excluded)		186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	218,351.53	191,219.34	217,710.35	178,474.40	173,128.42	170,327.29	139,212.15	2,391,103.92
Expenses														
Security Personnel		15,896.40	16,574.30	16,802.34	15,494.05	17,601.32	16,653.45	15,804.17	19,951.32	15,922.37	16,095.17	19,972.49	14,711.73	201,479.11
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,856.52	43,314.47	46,946.34	44,991.49	37,865.26	48,178.56	43,040.60	526,765.67
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.68
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	2,516.67	9,060.56	1,936.67	28,513.93
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	613.00	425.00	425.00	425.00	425.00	425.00	425.00	36,569.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	312.33	108.33	108.33	108.33	108.33	1,503.96
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,421.08	5,696.08	5,595.08	5,331.08	10,820.00	70,160.86
17th St. - 2G EXPENSES		72,145.76	79,528.68	72,187.17	66,528.55	84,946.21	72,101.54	75,543.11	81,616.13	105,731.83	69,490.90	89,969.41	77,936.72	947,733.23
17th st. PROFIT/(LOSS)		114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	146,249.99	115,676.23	136,094.22	72,742.57	103,629.52	80,357.88	61,276.43	1,443,370.69

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G**

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	126,289.54	162,005.37	140,671.96	158,906.54	210,057.03	154,691.53	127,139.34	153,750.35	114,394.40	108,808.42	108,967.29	75,012.16	1,538,703.92
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	57,780.00	57,660.00	57,780.00	58,020.00	57,060.00	57,900.00	676,800.00
17th St. - 2G REVENUE (Sales Tax Excluded)														
		186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	218,351.53	191,219.34	217,710.35	178,474.40	173,128.42	170,327.29	139,212.15	2,391,103.92
Expenses														
Security Personnel		15,896.40	16,574.30	16,802.34	15,494.05	17,601.32	16,553.45	15,804.17	19,951.32	15,922.37	16,095.17	19,972.49	14,711.73	201,479.11
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,836.62	45,314.47	46,946.34	44,991.49	37,865.26	48,178.56	43,040.60	528,765.67
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.68
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,936.67	28,513.93
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	613.00	425.00	425.00	30,453.50	425.00	425.00	425.00	35,568.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,503.96
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,421.08	5,696.08	5,595.08	5,331.08	10,820.00	70,180.88
17th St. - 2G EXPENSES														
		72,145.78	79,528.88	72,187.17	66,528.55	84,946.21	72,101.54	75,543.11	81,616.13	105,731.83	69,498.90	89,969.41	77,835.72	947,733.23
17th St. PROFIT/(LOSS)														
		114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	146,249.99	115,676.23	136,094.22	72,742.57	103,629.52	80,357.88	61,276.43	1,443,370.69

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th St. Garage - 2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
17th St. - 2G REVENUE (Sales Tax Excluded)														
		171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	36,137.49	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,578.58	5,331.08	5,331.08	5,331.08	51,985.98
17th St. - 2G EXPENSES														
		61,304.26	64,607.48	64,891.44	71,815.09	81,786.37	66,523.55	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
17th St. PROFIT/(LOSS)														
		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	155,800.01	128,321.49	126,085.97	152,852.34	147,163.61	217,609.34	189,803.73						1,117,641.49
Revenue-Monthly Permits	142-8000-344404	13,850.00	13,800.00	13,800.00	13,800.00	16,425.00	15,675.00	15,675.00						102,825.00
	7th Street Garage - 1G REVENUE	169,450.01	142,121.49	139,885.97	166,652.34	163,593.61	233,284.34	205,478.73		0.00	0.00	0.00	0.00	1,220,466.49
	(Sales Tax Excluded)													
Expenses														
Security														
Attendant/Cashier Labor		27,049.21	21,202.56	20,947.96	28,251.69	21,135.07	21,113.61	23,472.50						163,172.60
Landscape Maintenance		17,782.75	17,406.81	17,511.32	27,564.05	23,751.16	24,658.06	29,921.42						158,595.57
FP&L		1,605.67	918.67	2,417.67	1,546.42	1,178.67	918.67	918.67						9,504.44
Revenue Control Equipment Maintenance		3,067.37	3,067.37	2,452.54	2,705.35	2,328.41	2,688.87	2,739.59						19,049.50
Garage Cleaning/Maintenance		860.15	700.00	700.00	700.00	700.00	700.00	700.00						5,060.15
Armed Guard Revenue Pickup		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00						64,694.00
Elevator Maintenance		420.00	420.00	420.00	420.00	420.00	420.00	420.00						2,940.00
Surveillance System Maintenance		1,065.17	1,065.17	1,065.17	1,410.17	1,065.17	1,065.17	1,065.17						7,801.19
	7th St. Garage - 1G EXPENSES	61,141.41	61,141.41	61,141.41	61,141.41	50,411.41	61,141.41	61,141.41		0.00	0.00	0.00	0.00	435,438.32
	7th St. - 1G Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00						416,500.00
	7th St. - 1G PROFIT/(LOSS)	48,246.28	27,987.50	25,017.90	34,701.25	43,322.72	112,366.55	76,987.97	0.00	0.00	0.00	0.00	0.00	368,530.17

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	139,529.56	139,842.06	130,241.12	167,042.06	164,871.96	219,217.76	189,714.95	173,072.90	138,058.07	172,876.64	157,222.43	82,198.12	1,853,887.63
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,462.50	13,500.00	13,800.00	13,725.00	13,725.00	13,350.00	13,725.00	13,800.00	13,800.00	13,800.00	162,975.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		152,579.56	153,079.56	143,703.62	180,542.06	178,671.96	232,942.76	183,439.95	186,422.90	151,783.07	186,676.64	171,022.43	95,998.12	2,016,862.63
Expenses														
Security		21,049.40	21,816.06	24,181.09	21,727.10	20,960.22	23,119.75	21,349.80	28,211.80	21,233.24	22,052.26	26,852.89	17,055.31	269,608.92
Attendant/Cashier Labor		17,797.52	17,668.48	17,422.60	17,959.47	17,642.05	18,282.80	17,863.50	17,748.27	17,815.82	17,998.44	22,276.54	19,097.97	219,573.46
Landscape Maintenance		918.67	1,114.00	918.67	918.67	848.00	918.67	918.67	918.67	918.67	14,404.67	918.67	16,581.67	40,297.70
FP&L		3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	1,200.00	8,900.00
Garage Cleaning/Maintenance		4,864.00	4,699.00	4,765.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	9,242.00	62,729.50
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		1,729.00	1,202.00	2,271.50	985.00	1,460.42	985.00	1,202.00	2,817.42	2,592.67	2,360.17	2,360.17	2,050.17	22,015.52
Surveillance System Maintenance		534.60	534.60	744.60	534.60	534.60	534.60	534.60	534.60	2,457.18	534.60	534.60	534.60	8,547.78
7th St. Garage - 1G EXPENSES		51,080.56	51,221.51	54,490.83	51,176.21	50,496.66	52,892.19	50,919.94	59,282.13	54,068.95	66,649.01	61,994.24	69,249.09	673,621.32
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		41,999.00	42,358.05	29,712.79	69,865.85	68,675.30	120,550.57	73,020.01	67,640.77	38,214.12	60,527.63	49,528.19	(32,750.97)	629,341.31

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
17th Street Lots - 5A East and West	Revenue-Ticket	147,540.55	134,286.03	144,999.03	157,629.02	132,532.73	164,732.73	157,110.23						1,038,829.32
	Revenue-Valet	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00					0.00
	Revenue-Monthly Permits	18,300.00	17,820.00	16,920.00	16,980.00	16,860.00	16,740.00	17,280.00						120,900.00
	17th Lots - 5A REVENUE (Sales Tax Excluded)	165,840.55	152,106.03	161,919.03	174,609.02	149,392.73	181,472.73	174,390.23	0.00	0.00	0.00	0.00	0.00	1,159,729.32
Expenses	Security Personnel	1,079.76	975.47	751.54	1,116.57	868.11	880.37	766.87						6,438.69
	Attendant/Cashier Labor	20,954.86	23,786.82	21,613.21	39,939.99	34,545.43	32,853.50	40,220.02						213,913.83
	Revenue Control Equipment Maintenance	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67						11,666.69
	Landscape and Lot Maintenance	502.67	502.67	502.67	502.67	502.67	502.67	502.67						3,518.69
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48						2,740.36
	17th Lots - 5A EXPENSES	24,595.44	27,323.11	24,925.57	43,617.38	37,974.36	36,294.69	43,547.71	0.00	0.00	0.00	0.00	0.00	238,278.26
17th Lots PROFIT/(LOSS)		141,245.11	124,781.92	136,993.46	130,991.64	111,418.37	145,178.04	130,842.52	0.00	0.00	0.00	0.00	0.00	921,451.06

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Lots - 5A East and West	Revenue-Ticket	123,301.93	135,390.66	142,474.77	153,204.65	157,831.80	163,559.82	141,769.18	149,018.68	120,878.55	126,481.32	123,772.91	83,556.53	1,621,240.80
	Revenue-Valet	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Revenue-Monthly Permits	16,800.00	18,350.00	15,960.00	16,200.00	15,660.00	15,660.00	16,560.00	16,800.00	17,940.00	17,820.00	17,520.00	17,700.00	202,980.00
	17th Lots - 5A REVENUE (Sales Tax Excluded)	140,101.93	153,750.66	158,434.77	169,404.65	173,491.80	179,219.82	158,329.18	165,818.68	138,818.55	144,301.32	141,292.91	101,256.53	1,824,220.80
Expenses	Security Personnel	1,404.71	738.66	880.37	662.58	1,319.03	883.44	953.99	1,128.84	883.44	828.23	1,174.86	539.89	11,398.04
	Attendant/Cashier Labor	20,925.85	24,230.94	20,510.75	20,463.71	23,729.34	22,161.86	21,289.27	22,812.35	21,621.06	18,258.77	23,687.56	20,393.19	259,985.64
	Revenue Control Equipment Maintenance	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	3,722.78	1,666.67	22,056.15
	Landscape and Lot Maintenance	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,687.76
	17th Lots - 5A EXPENSES	24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	25,606.11	24,804.08	26,502.01	25,065.32	21,647.82	29,479.35	23,483.90	304,169.63
17th Lots PROFIT/(LOSS)		115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	133,525.10	139,316.67	113,753.23	122,653.50	111,813.56	77,762.63	1,520,051.17

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	142,474.77	153,204.65	157,831.80	163,559.82	141,769.18	149,018.68	120,878.55	126,481.32	123,772.91	83,556.53	1,621,240.80
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	16,800.00	18,360.00	15,960.00	16,200.00	15,660.00	15,660.00	16,560.00	16,800.00	17,940.00	17,820.00	17,520.00	17,700.00	202,980.00
17th Lots - 5A REVENUE														
(Sales Tax Excluded)		140,101.93	153,750.66	158,434.77	169,404.65	173,491.80	179,219.82	158,329.18	165,818.68	138,818.55	144,301.32	141,292.91	101,256.53	1,824,220.80
Expenses														
Security Personnel		1,404.71	738.66	880.37	662.58	1,319.03	883.44	953.99	1,128.84	883.44	828.23	1,174.86	539.89	11,398.04
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	20,463.71	23,729.34	22,161.85	21,289.27	22,812.35	21,621.06	18,258.77	23,687.56	20,393.19	259,985.64
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	3,722.78	1,666.67	22,056.15
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
17th Lots - 5A EXPENSES														
		24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	25,606.11	24,804.08	26,502.01	25,065.32	21,647.82	29,479.35	23,493.90	304,169.63
17th Lots PROFIT/(LOSS)														
		115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	133,525.10	139,316.67	113,753.23	122,653.50	111,813.56	77,762.63	1,520,051.17

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
17th Lots - 5A REVENUE														
(Sales Tax Excluded)		123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.61	17,265.92	20,813.79	255,250.94
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,359.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
17th Lots - 5A EXPENSES														
		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.41	21,689.94	25,062.35	308,995.08
17th Lots PROFIT/(LOSS)														
		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.18	105,303.33	90,926.22	1,324,738.66

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	30,426.16	28,304.67	28,033.65	33,959.80	30,588.77	41,540.19	38,421.76						231,275.00
Revenue-Monthly Permits	480-8000-344593	4,860.00	4,800.00	4,860.00	3,960.00	3,840.00	3,840.00	3,900.00						30,060.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	35,286.16	33,104.67	32,893.65	37,919.80	34,428.77	45,380.19	42,321.76	0.00	0.00	0.00	0.00	0.00	261,335.00
Expenses														
Security Personnel		9,368.15	7,496.96	7,426.42	9,748.51	12,668.78	7,509.24	8,199.43						62,417.49
Attendant/Cashier Labor		7,077.27	7,064.21	7,132.13	11,884.49	9,852.08	10,122.65	12,987.00						66,119.83
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54						789.78
Elevator Maintenance		487.50	125.00	125.00	125.00	125.00	125.00	125.00						1,237.50
Garage Cleaning/Maintenance		1,521.00	1,285.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00						10,411.00
	12th St. - 2A EXPENSES	18,562.46	16,079.71	16,313.09	23,387.54	24,275.40	19,386.43	22,940.97	0.00	0.00	0.00	0.00	0.00	140,945.60
	12th St. - 2A PROFIT/(LOSS)	16,723.70	17,024.96	16,580.56	14,532.26	10,153.37	25,993.76	19,380.79	0.00	0.00	0.00	0.00	0.00	120,389.40

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	26,360.74	25,345.79	24,450.45	29,463.54	29,428.03	38,480.37	31,798.13	32,760.77	25,388.79	29,747.65	30,476.60	18,809.37	342,510.23
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	4,920.00	4,860.00	4,860.00	4,980.00	5,100.00	4,860.00	59,220.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	36,718.13	37,620.77	30,248.79	34,727.65	35,576.60	23,669.37	401,730.23
Expenses														
Security Personnel		8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	8,245.44	10,395.76	8,230.11	7,938.69	9,365.08	6,408.01	103,307.84
Attendant/Cashier Labor		7,247.06	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	7,210.50	7,602.38	7,354.19	7,113.84	8,960.87	8,015.15	89,572.19
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	4,087.00	125.00	5,462.00
Garage Cleaning/Maintenance		1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	1,540.75	1,532.50	1,532.50	1,540.75	1,590.25	1,540.75	1,521.00	18,477.50
	12th St. - 2A EXPENSES	17,240.83	17,852.69	18,081.75	17,223.19	19,248.96	17,013.68	17,221.98	19,764.18	17,368.69	18,876.32	24,062.24	16,177.70	218,122.01
	12th St. - 2A PROFIT/(LOSS)	14,339.91	12,593.10	11,408.70	16,980.35	14,919.07	26,266.79	19,496.15	17,856.59	12,880.20	17,851.33	11,514.36	7,491.67	183,608.22

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	26,360.74	25,345.79	24,450.45	29,463.54	29,428.03	38,480.37	31,798.13	32,760.77	25,388.79	29,747.85	30,476.60	18,809.37	342,510.23
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	4,920.00	4,860.00	4,860.00	4,980.00	5,100.00	4,860.00	59,220.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	36,718.13	37,620.77	30,248.79	34,727.85	35,576.60	23,669.37	401,730.23
Expenses														
Security Personnel		8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	8,245.44	10,395.76	8,230.11	7,938.69	9,365.08	6,403.01	103,307.84
Attendant/Cashier Labor		7,247.08	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	7,210.50	7,802.38	7,354.19	7,113.84	8,960.87	8,015.15	89,572.19
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,462.00
Garage Cleaning/Maintenance		1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	1,540.75	1,532.50	1,532.50	1,540.75	1,590.25	1,540.75	1,521.00	18,477.50
	12th St. - 2A EXPENSES	17,240.83	17,852.69	18,081.75	17,223.19	19,248.96	17,013.58	17,221.98	19,764.18	17,358.59	16,876.32	24,062.24	16,177.70	218,122.01
	12th St. - 2A PROFIT/(LOSS)	14,339.91	12,593.10	11,408.70	16,980.35	14,919.07	26,266.79	19,496.15	17,856.59	12,890.20	17,851.33	11,514.36	7,491.67	183,608.22

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,289.64	8,252.69	107,464.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,462.00
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. - 2A EXPENSES	17,133.53	20,325.41	16,968.18	19,916.29	16,978.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
	12th St. - 2A PROFIT/(LOSS)	12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	40,924.28	49,370.08	49,987.85	61,116.83	59,138.34	71,978.42	65,391.58						397,907.38
Revenue-Monthly Permits	480-8000-344527	8,400.00	8,340.00	8,640.00	8,520.00	8,520.00	8,460.00	8,160.00						59,040.00
13th St. - 17A REVENUE (Sales Tax Excluded)		49,324.28	57,710.08	58,627.85	69,636.83	67,658.34	80,438.42	73,551.58	0.00	0.00	0.00	0.00	0.00	456,947.38
Expenses														
Security Personnel		12,276.14	9,837.48	9,843.61	12,865.09	9,914.16	9,886.55	10,960.18						75,583.21
Attendant/Cashier Labor		15,477.93	15,299.85	15,169.47	24,685.51	20,272.64	16,504.59	13,862.76						121,272.75
Landscaping Maintenance		420.67	519.67	216.67	216.67	216.67	216.67	216.67						2,023.69
FP&L		1,404.98	1,372.89	1,419.60	1,694.00	1,531.15	1,627.45	1,474.46						10,524.53
Revenue Control Equipment Maintenance		750.00	750.00	750.00	750.00	750.00	750.00	750.00						5,250.00
Elevator Maintenance		680.13	170.00	170.00	170.00	170.00	170.00	374.00						1,904.13
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00						2,940.00
Garage Cleaning/Maintenance		1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00						10,647.00
13th St. - 17A EXPENSES		32,950.85	29,890.89	29,510.35	42,322.27	34,785.62	31,096.28	29,579.07	0.00	0.00	0.00	0.00	0.00	230,145.31
13th St. - 17A PROFIT/(LOSS)		16,373.43	27,819.19	29,117.50	27,314.56	32,862.72	49,342.16	43,972.51	0.00	0.00	0.00	0.00	0.00	226,802.07

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,649.52	53,792.55	66,648.56	57,641.13	54,078.51	46,663.54	54,472.86	31,909.35	14,673.84	566,149.50
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,530.00	8,280.00	7,500.00	8,460.00	9,120.00	9,120.00	8,340.00	8,400.00	99,840.00
13th St. - 17A REVENUE (Sales Tax Excluded)		56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	74,928.56	65,141.13	62,538.51	55,783.54	63,592.86	40,249.35	23,073.84	665,989.50
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,646.94	9,770.00	9,855.68	9,779.19	12,638.10	9,865.08	9,993.91	12,346.69	8,122.74	122,155.46
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	15,516.07	15,327.27	15,273.85	15,144.77	15,186.57	18,836.90	16,921.34	188,819.28
Landscaping Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	935.67	216.67	3,319.04
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.76
Revenue Control Equipment Maintenance		737.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	8,250.00
Elevator Maintenance		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	3,723.78
Armed Guard Revenue Pickup		1,450.00	1,450.00	1,450.00	1,450.00	1,450.00	1,450.00	1,318.00	1,318.00	1,483.00	1,318.00	1,450.00	1,521.00	5,040.00
Garage Cleaning/Maintenance		29,397.62	30,485.16	30,592.70	28,372.84	29,794.51	29,958.40	29,386.11	32,488.78	29,454.50	29,569.73	36,314.24	29,526.73	17,174.00
13th St. - 17A EXPENSES		26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	36,755.02	30,049.73	26,329.04	34,023.13	3,935.11	(6,452.89)	300,648.18
13th St. - 17A PROFIT/(LOSS)														

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,649.52	53,792.55	66,648.56	57,641.13	54,078.51	46,663.54	54,472.86	31,909.35	14,673.84	566,149.50
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,580.00	8,280.00	7,500.00	8,460.00	9,120.00	9,120.00	8,340.00	8,400.00	99,840.00
13th St. - 17A REVENUE (Sales Tax Excluded)		56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	74,928.56	65,141.13	62,538.51	55,783.54	63,592.86	40,249.35	23,073.84	665,989.50
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,648.94	9,770.00	9,855.68	9,779.19	12,638.10	9,865.08	9,993.91	12,346.69	8,122.74	122,155.46
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	15,516.07	15,327.27	15,273.85	15,144.77	15,186.57	18,836.90	16,921.34	188,819.28
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	935.67	216.67	3,319.04
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.76
Revenue Control Equipment Maintenance		0.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	8,250.00
Elevator Maintenance		737.00	312.00	312.00	312.00	312.00	312.00	170.00	467.18	170.00	279.60	170.00	170.00	3,723.78
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,450.00	1,450.00	1,450.00	1,483.00	1,318.00	1,318.00	1,483.00	1,318.00	1,450.00	1,521.00	17,174.00
13th St. - 17A EXPENSES		29,397.62	30,485.16	30,592.70	28,372.84	29,794.51	29,958.40	29,388.11	32,488.78	29,454.50	29,568.73	36,314.24	29,526.73	365,341.32
13th St. -17A PROFIT/(LOSS)		26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	35,755.02	30,049.73	26,329.04	34,023.13	3,935.11	(6,452.89)	300,648.18

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,784.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,360.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
13th St. - 17A REVENUE (Sales Tax Excluded)		52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,584.83	689,239.39
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,596.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.76
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
13th St. - 17A EXPENSES		28,516.02	36,205.39	28,962.74	32,752.54	28,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.89
13th St. -17A PROFIT/(LOSS)		24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,996.27	3,087.87	2,986.91	3,523.36	5,580.37	3,694.11	3,179.44						25,038.33
Revenue-Monthly Permits	480-8000-344595	34,020.00	33,380.00	33,720.00	33,720.00	33,720.00	24,720.00	25,020.00						218,280.00
42nd St. - 8A REVENUE (Sales Tax Excluded)		37,016.27	36,447.87	36,706.91	37,243.36	39,300.37	28,404.11	28,199.44	0.00	0.00	0.00	0.00	0.00	243,318.33
Expenses														
Security Personnel		10,306.80	8,245.44	8,214.77	10,306.80	8,217.83	8,245.44	8,156.48						61,893.56
Attendant/Cashier Labor		3,215.99	3,081.85	3,176.80	5,232.89	5,826.12	4,422.79	5,523.08						30,459.32
FP&L		1,805.96	1,982.13	1,927.13	1,725.18	1,864.05	1,820.02	1,856.45						13,060.92
Revenue Control Equipment Maintenance		0.00	110.00	0.00	0.00	0.00	0.00	0.00						110.00
Elevator Maintenance		1,819.16	430.00	430.00	430.00	430.00	430.00	430.00						4,399.16
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00						0.00
Garage Cleaning/Maintenance		3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00						23,744.00
42nd St. - 8A EXPENSES		20,539.91	17,221.42	17,140.70	21,086.67	19,830.00	18,310.25	19,358.01	0.00	0.00	0.00	0.00	0.00	133,486.96
42nd St. PROFIT/(LOSS)		16,476.36	19,226.45	19,566.21	16,156.69	19,470.37	10,093.86	8,841.43	0.00	0.00	0.00	0.00	0.00	109,831.37

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	3,415.88	3,842.04	10,966.37	3,644.84	3,200.92	4,165.41	3,907.46	3,619.65	3,802.80	2,752.32	49,431.73
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,780.00	33,780.00	35,040.00	35,100.00	35,100.00	34,440.00	34,200.00	34,500.00	24,480.00	34,620.00	406,620.00
42nd St. - 8A REVENUE (Sales Tax Excluded)		37,970.48	37,743.56	39,175.88	37,622.04	46,006.37	38,744.84	38,300.92	38,605.41	38,107.46	38,119.65	28,282.80	37,372.32	456,051.73
Expenses														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	8,245.44	10,306.80	8,245.44	8,245.44	10,294.53	7,251.57	104,895.20
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	3,210.77	3,537.33	3,195.09	3,027.89	4,255.76	3,848.22	41,551.86
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	536.00	430.00	1,190.80	430.00	430.00	430.00	430.00	6,556.80
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	136.00	0.00	0.00	0.00	136.00
Garage Cleaning/Maintenance		1,796.50	1,780.00	1,796.50	1,796.50	1,763.50	1,796.50	1,780.00	1,760.00	1,796.50	1,837.75	1,796.50	3,392.00	23,112.25
42nd St. - 8A EXPENSES		15,600.23	16,177.34	16,329.54	15,703.68	18,051.47	15,701.78	15,472.17	18,620.89	15,608.99	15,347.04	18,582.75	16,727.75	197,923.63
42nd St. PROFIT/(Loss)		22,370.25	21,566.22	22,846.34	21,918.36	27,954.90	23,043.06	22,828.75	19,984.52	22,498.47	22,772.61	9,700.05	20,644.57	258,128.10

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	3,415.88	3,842.04	10,966.37	3,644.84	3,200.92	4,165.41	3,907.46	3,619.65	3,802.80	2,752.32	49,431.73
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,780.00	33,780.00	35,040.00	35,100.00	35,100.00	34,440.00	34,200.00	34,500.00	24,480.00	34,620.00	406,620.00
	42nd St. - 8A REVENUE (Sales Tax Excluded)	37,970.48	37,743.56	39,175.88	37,622.04	46,006.37	38,744.84	38,300.92	38,605.41	38,107.46	38,119.65	28,282.80	37,372.32	456,051.73
Expenses														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	8,245.44	10,306.80	8,245.44	8,245.44	10,294.53	7,251.57	104,895.20
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	3,210.77	3,537.33	3,195.09	3,027.89	4,255.76	3,848.22	41,551.86
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	536.00	430.00	1,190.80	430.00	430.00	430.00	430.00	6,556.80
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		1,796.50	1,796.50	1,796.50	1,796.50	1,796.50	1,796.50	1,796.50	1,796.50	1,796.50	1,837.75	1,796.50	3,392.00	136.00
	42nd St. - 8A EXPENSES	15,600.23	16,177.34	16,329.54	15,703.68	18,061.47	15,701.78	15,472.17	18,620.89	15,608.99	15,347.04	18,582.75	16,727.75	197,923.63
	42nd St. PROFIT/(LOSS)	22,370.25	21,566.22	22,846.34	21,918.36	27,954.90	23,043.06	22,828.75	19,984.52	22,498.47	22,772.61	9,700.05	20,644.57	258,128.10

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	42nd St. - 8A REVENUE (Sales Tax Excluded)	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	42nd St. - 8A EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,060.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage**

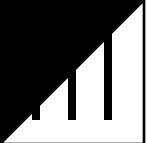
LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	86,600.95	82,514.96	86,304.68	112,249.71	122,302.81	184,858.92	119,298.55						796,128.58
Revenue - Valet	463-8000-344587	20,704.68	21,289.74	22,289.72	15,603.28	29,600.94	14,369.16	21,817.28						145,674.80
Revenue-Monthly Permits	463-8000-344903	28,760.00	30,060.00	30,450.00	30,650.00	30,800.00	30,200.00	30,150.00						211,070.00
16th St. Anchor - REVENUE (Sales Tax Excluded)		138,065.63	133,864.70	139,044.40	158,502.99	182,703.75	229,428.08	171,265.83	0.00	0.00	0.00	0.00	0.00	1,152,873.38
Expenses														
Security Personnel		15,377.39	12,631.97	12,484.73	15,631.96	12,665.78	12,530.75	13,631.98						94,957.56
Attendant/Cashier Labor		16,056.04	16,109.36	16,350.94	26,132.55	23,955.70	22,606.20	27,423.35						146,634.14
FP&L		4,138.44	4,138.44	3,364.80	3,942.83	4,252.58	2,711.52	3,239.29						25,607.90
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00						5,425.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00						2,940.00
Elevator Maintenance		1,675.97	1,097.97	2,457.97	1,097.97	1,442.97	1,097.97	1,097.97						9,988.79
Landscape and Lot Maintenance		152.00	190.00	190.00	152.00	152.00	152.00	152.00						1,140.00
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00						64,694.00
Sanitation (Waste Removal)		179.01	179.01	179.01	179.01	179.01	179.01	179.01						1,253.07
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00						1,750.00
16th St. - Anchor EXPENSES		48,265.85	45,033.75	45,734.45	57,823.32	53,338.04	49,964.45	56,410.60	0.00	0.00	0.00	0.00	0.00	356,570.45
16th St. PROFIT/(LOSS)		89,799.78	88,830.95	93,309.95	100,679.67	129,365.71	179,463.63	114,855.23	0.00	0.00	0.00	0.00	0.00	796,302.92

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	99,099.99	74,747.67	100,624.29	100,280.84	42,528.02	1,143,528.33
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	13,607.94	20,236.91	21,732.25	28,007.48	37,609.35	3,287.38	264,270.56
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,494.86	28,300.00	28,200.00	29,100.00	28,250.00	27,800.00	27,550.00	328,344.86
16th St. Anchor - REVENUE (Sales Tax Excluded)		123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	143,531.26	147,536.90	125,579.92	156,881.77	165,690.19	73,365.40	1,736,144.75
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	13,607.43	13,622.77	17,009.29	15,641.13	13,312.95	16,536.88	10,164.07	159,394.20
Attendant/Cashier Labor		15,687.24	16,050.62	15,831.23	16,378.83	16,584.62	17,423.33	16,028.61	16,430.45	16,116.40	16,122.14	15,889.24	17,947.67	196,690.58
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	45,600.00
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	9,975.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	1,015.32	1,097.97	1,208.47	1,097.97	4,767.13	1,097.97	18,526.43
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	164.67	152.00	152.00	152.00	190.00	152.00	1,938.02
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	4,869.00	4,864.00	4,864.00	4,864.00	4,864.00	64,194.80
Sanitation (Waste Removal)		171.54	171.54	171.43	161.96	161.96	174.34	171.64	179.01	179.01	179.04	179.01	179.01	2,119.69
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,096.30
16th St. - Anchor EXPENSES		38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	56,573.41	44,862.72	43,500.31	41,848.10	47,691.26	39,649.72	504,575.02
16th St. PROFIT/(LOSS)		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	102,554.18	82,079.61	115,233.67	117,988.93	33,715.68	1,231,569.73

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	99,099.99	74,747.67	100,624.29	100,280.84	42,528.02	1,143,529.33
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	13,807.94	20,236.91	21,732.25	28,007.48	37,609.35	3,287.38	284,270.56
Revenue-Monthly Permits	463-8000-344903	28,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,494.86	28,300.00	28,200.00	29,100.00	28,250.00	27,800.00	27,550.00	328,344.86
16th St. Anchor - REVENUE		125,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	143,531.26	147,536.90	125,579.92	156,881.77	165,690.19	73,365.40	1,736,144.75
(Sales Tax Excluded)														
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,685.72	9,837.47	13,607.43	13,622.77	17,009.29	15,641.13	13,312.95	16,536.88	10,164.07	159,394.20
Attendant/Cashier Labor		15,687.24	16,050.82	15,831.23	16,378.83	16,584.62	17,423.33	16,028.61	16,430.45	16,116.40	16,122.14	15,889.24	17,947.67	196,690.58
Revenue Control Equipment Maintenance		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	45,600.00
Armed Guard Revenue Pickup		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	1,450.00	775.00	775.00	9,975.00
Elevator Maintenance		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Landscape and Lot Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	1,015.32	1,097.97	1,206.47	1,097.97	4,787.13	1,097.97	16,526.43
Garage Cleaning/Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	164.67	152.00	152.00	152.00	180.00	152.00	1,938.02
Sanitation (Waste Removal)		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	22,325.40	4,869.00	4,864.00	4,864.00	4,864.00	4,864.00	64,194.80
Fire Alarm Service		171.64	171.64	171.43	181.96	181.96	174.34	171.64	179.01	179.01	179.01	179.01	179.01	2,119.69
16th St. - Anchor EXPENSES		38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	58,573.41	44,982.72	43,500.31	41,648.10	47,691.26	39,649.72	504,575.02
16th St. PROFIT/(LOSS)		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	102,554.18	82,079.61	115,233.67	117,998.93	33,715.68	1,231,569.73

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
16th St. Anchor - REVENUE		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
(Sales Tax Excluded)														
Expenses														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,156.12	59,183.47
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.71	643.23
16th St. - Anchor EXPENSES		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
16th St. PROFIT/(LOSS)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,468.09	40,518.83	148,546.68
										25,526.25	93,690.88	83,607.47	66,769.97	269,594.57



THIS PAGE INTENTIONALLY LEFT BLANK

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

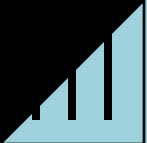
**Subject: STATUS REPORT ON THE REHABILITATION OF THE EXISTING
BUILDING AND CONSTRUCTION OF THE NEW FIRE STATION NO. 2.**

The improvements to Fire Station No. 2 include full historic renovation of the existing building, construction of a new facility which will include three apparatus bays and living quarters for the station's fire crews, and an Emergency Operations Center.

Jasco Construction Company (Jasco) is the Construction Manager at Risk and STA Architectural Group (STA) is the architect/engineer (A/E). The Guaranteed Maximum Price (GMP) for the project is \$8,096,580. The first Notice to Proceed for construction was issued on November 22, 2004. Construction and move in of fire personnel is expected to require 15 months. Following this, renovation of the historic Fire Station building, and its conversion into administrative offices, will require an estimated 13 months to be substantially complete.

Demolition of the new building area both above and below ground is 100% complete. Foundation piling has also been completed. The shell contractor has mobilized and has set the forms for the pile caps and grade beams. Steel is currently being placed for the grade beams and elevator pit. The electrical and plumbing contractors have mobilized and begun their rough work. Pouring of concrete for the grade beams and pile caps began June 22, 2005. After the grade beams are completed, the elevator pit walls will be framed and poured. The electrical and plumbing contractors are scheduled to complete their underground rough work by July 8, 2005. The area within the building footprint will be backfilled and compacted. Once this is completed the concrete slab for the first floor will be poured. The slab is scheduled to be completed by July 22, 2005.

JMG/RCM/MEC/KLM/HKM



THIS PAGE INTENTIONALLY LEFT BLANK

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: STATUS REPORT ON THE CONSTRUCTION OF FIRE STATION NO. 4

On August 4, 2004, the CIP Office issued a Notice-to-Proceed to Carivon (JOC Program Contractor) to initiate the seawall construction. Carivon submitted a schedule that showed mobilization by the end of the month, but due to extreme weather conditions (hurricane watches), the mobilization to the site was completed on September 23, 2004. The sidewalk along the seawall was removed, all piles were replaced, and concrete was placed at the deadmen (concrete stabilization structures). The wooden docks have been installed and are being secured. All debris identified in the DERM permit was removed, including three sunken boats. The seawall cap has been poured, the rip rap installed, and Carivon is grading the surrounding ground. This scope has been completed, with the submittal of all documentation, including an as-built survey, scheduled for mid-July 2005.

A First Notice to Proceed for the new Fire Station building was issued on October 1, 2004. The Second Notice to Proceed was issued on November 15, 2004. This Notice allowed Carivon to start with the site and foundation work activities. The pile survey and the installation of the augercast piles have been completed. Concrete has been poured at the grade beams and stem walls. The soil was compacted, the rough installation for the electrical, water and drainage systems were installed in preparation of the grade slab. Carivon has also completed the reinforcing steel mat for the concrete floor slab and has started to pour 400 cubic yards of concrete as of May 25, 2005. The retaining wall along the west side of the property is under construction. In addition, civil work, including the water, irrigation and fire line connections, is almost completed. The rough installation of the sanitary sewer and drainage systems is complete, including the grease trap and grease separator boxes, the drainage well box and roof drains.

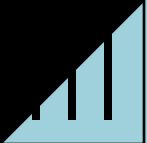
On March 28, 2005, Carivon submitted a partial recovery plan and corresponding schedule in an attempt to regain lost time, approximately 40 days, for review by the City and its consultants, and is already working extended hours and on Saturdays. The updated schedule for the month of April was submitted; however, there was no appreciable gain on the time lost in the previous month. In addition, due to some weather and site conditions, the timetable and scope of work have been affected, probably extending the contract term for about the same time as expressed above. The City, its Consultants, and Carivon are working on evaluating the time extension term.

JMG/RCM/THUJSH/KM:al

T:\AGENDA\2005\Jul0605\Regular\Fire Station No. 4 Status Report 070605.doc

Agenda Item D

Date 7-6-05



THIS PAGE INTENTIONALLY LEFT BLANK

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

**Subject: INFORMATIONAL REPORT TO THE MAYOR AND CITY COMMISSION,
ON FEDERAL, STATE, MIAMI-DADE COUNTY, U.S. COMMUNITIES, AND
ALL EXISTING CITY CONTRACTS FOR RENEWAL OR EXTENSIONS IN
THE NEXT 180 DAYS.**

The City Commission adopted Resolution No. 2000-24141, which provided that all existing city contracts for renewal or extensions, which by their terms or pursuant to change orders exceed \$10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from \$10,000 to \$25,000.

The administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida, U.S. Communities and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida, U.S. Communities and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	Electric Motor Rewind and Repair Services	Condo Electric, and TAW Miami Service Center, and Electrix USA	12/31/2005	(1) one year option to renew
2.	Purchase of Street Light Fixtures and Street Light Poles	Mercedes Electric Supply(P) and Rexel Consolidated(S)	12/31/2005	(2) one year options to renew
3.	Preventive Maintenance and Repair Services For Reciprocating Air Conditioning Equipment for The Scott Rakow Youth Center	Temptrol Air Conditioning, Inc.	12/31/2005	(3) one year options to renew

JMG:PDW:GL

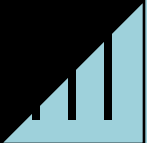
T:\AGENDA\2005\Jul0605\Consent\180-Day Report.doc

AGENDA ITEM

E

DATE

7-6-05



THIS PAGE INTENTIONALLY LEFT BLANK

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: July 6, 2005

From: Jorge M. Gonzalez
City Manager

Subject: REPORT BY THE CITY'S STATE REPRESENTATIVES ON THE 2005 FLORIDA
LEGISLATIVE SESSION.

The City of Miami Beach had a very successful year in Tallahassee during the 2005 Florida Legislative Session. In summary, the Legislature included \$7.3 million in Miami Beach projects in the State budget, of which only \$100,000 was vetoed by the Governor.

FUNDING INCLUDED IN THE BUDGET BY THE LEGISLATURE:

City of Miami Beach Stormwater Infrastructure Improvement Project -	\$400,000
City of Miami Beach Wastewater Project (no large city wastewater projects funded)	\$0
City of Miami Beach After-School Program	\$100,000
Byron Carlyle Theater Cultural Facility Grant	\$500,000
Collins Campus Rotunda Restoration Cultural Facility Grant	\$400,000
Beach Renourishment (test beach project within the City of Miami Beach)	\$5,500,000
Normandy Isle Park FRDAP Grant	\$200,000
Muss Park Renovation FRDAP Grant	\$80,000
Colony Theater (URS services)	\$139,239
Total included by Florida Legislature	\$7,319,239

Included in the State budget is a line item for "Aid to Local Governments" in the budget of the Department of Management Services:

"From the funds in Specific appropriation 2652A, \$139,239 from the General Revenue Fund is provided to the City of Miami Beach for project management services."

In March, the City Commission directed the Administration to pursue reimbursement of the URS fees associated with the Colony Theater project, as well as addressing issues related to the phase III Cultural Facilities Grant. The Administration worked with the City's state lobbyists and elected officials, as well as a representative of the Governor's office to pursue and secure an earmark for the URS fees during the budget discussions. Representative Barreiro and Senator Margolis each sponsored an amendment to the appropriations bill to earmark this funding for the City. The amendment was accepted in the House version of the bill, survived conference committee, and was included in the final budget that was forwarded to the Governor. This line item was not vetoed by the Governor. Additionally, the Administration will meet with the Department of State on July 7, 2005, to discuss issues related to the Phase III Cultural Facilities Grant.

Agenda Item F

Date 7-6-05

On May 26, 2005, Governor Bush signed the budget and vetoed certain projects. Among the projects that were vetoed, the only City of Miami Beach project was the After School Program (\$100,000).

Total Miami Beach Included in the Approved Budget: \$7,219,239

Although one Miami Beach project was vetoed, by all accounts the City had a very successful funding year in Tallahassee. By comparison, following is a summary of the funding the City received in prior State budgets:

2004	\$418,000	
2003	\$2,327,360	
2002	\$2,060,000	
2001	\$545,000	(does not include \$175K that was vetoed)
2000	\$1,552,000	(does not include \$100K that was vetoed)

Legislative priorities regarding beach safety and the Convention Development Tax were approved by the Legislature and the Governor. Additionally, no legislation passed related to the Bert J. Harris Act. The City was not successful on the Convention Center Sales Tax Refund bill, which failed to pass the Senate, in part due to an amendment for the Marlins Stadium.

A full report on the Legislative Session is attached, as well as a June report which includes the Governor's actions.

JMG\N\krc

Attachments:

1. Final Legislative Report
2. Legislative Report, June, 2005

T:\AGENDA\2005\Jul0605\Regular\legislative report.doc

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
LORENA A. HOLLEY
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ

GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

MEMORANDUM

TO: Mayor David Dermer
City Commissioners and City Manager Gonzalez
City of Miami Beach

VIA: E-mail to Kevin Crowder (hard copy to follow)

FROM: Gary Rutledge
Fausto Gomez
Bob Levy
Margie Menduni
Manny Reyes
Mary Snow

DATE: May 17, 2005

SUBJ: **Final Legislative Report**

2005 MAY 20 PM 1:22
CIB SERVICES DEPT.

INTRODUCTION

The Session, which began with Republican Senate President Lee and Republican House Speaker Bense committed to working amicably, chugged through the last day with many recesses while numerous pieces of legislation held in power plays were still being worked out. The Session had a maudlin start, with Republican ultra-conservatives trying to save the life of a brain-damaged woman, Terri Shiavo; a young freshman Representative dying from cancer; and a veteran Senator undergoing surgery and eventually recovering from cancer. In the end, 323 general bills passed.

EXECUTIVE SUMMARY

The 2005 Legislative Session was very good for the City of Miami Beach with a little over \$7.3 million in appropriations going directly to the City. These include \$400,000 for stormwater, \$100,000 for after-school programs, \$500,000 for the Byron Carlisle, \$400,000 for the Collins, \$5.5 million for beach restoration, \$200,00 for Normandy Isle Park, \$80,00 for Muss Park Renovation, and \$139,239 for the Colony.

City priority issues which were held at bay or passed include no changes to the Bert J. Harris Act. Language passed which allows the Convention Center Development Tax to be used for the City golf course. Article V language was clarified to allow the City to recoup certain fees when prevailing in an ordinance violation action.

Language passed which clarifies that the City is not liable for injury or death to swimmers by changing surf and other naturally occurring conditions.

City of Miami Beach
Final Legislative Report – May 17, 2005
Page Two

The Tunc claims bill against the City did not get a hearing in the Senate and therefore did not pass.

Major residential insurance reform passed which establishes a pilot project relative to establishing Citizen Insurance premiums and opens up the process used in rate proceedings. It requires more consumer-friendly policy text and allows the consumer to choose deductibles that apply annually or per hurricane.

LEGISLATIVE PRIORITIES

Bert J. Harris Act

No language passed this Session which would have amended the Bert Harris Act. Language which was contained in the Agricultural Economic Development bill did not pass this Session, although there were numerous attempts to amend the language onto other bills during the last week of Session.

Resort Tax Issues

Although three bills were filed, HB 1357, SB 2454, and SB 2558, no legislation passed this Session which would have insured that the resort tax and convention development tax are collected on hotel room sales that occur over the Internet.

Consultants Competitive Negotiation Act (CCNA)

At the direction of the City, we were able to amend the required criteria used to award contracts to architects and engineering firms on certain public construction projects. The bills, SB 2784 and HB 601, were in their final committees when the Florida Department of Transportation came to the bill sponsor and said they could not accept the changes that the City had recommended. We worked with the department and with staff of the bill sponsor to run a two-track set of criteria, one for state agencies and one for cities. However, the professional associations for architects and engineers came forward and said they would not accept dual sets of criteria. At that point, the Senate sponsor, who sponsored the bill for the professional associations, made a decision to take out the City's language.

SB 1784 did pass without suggested language from the City of Miami Beach. The bill includes a change in the definition of "compensation" to include payment for professional services "regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation can be calculated".

The bill also includes a new definition of "negotiate", which is defined as "to conduct legitimate, arms length discussions and conferences to reach an agreement on a term or price. For purposes of this section, the term does not include presentation of flat fee schedules with no alternatives or discussions."

Convention Center Sales Tax Refund

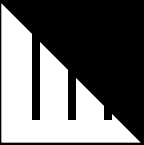
Throughout the Session, the Senate fought most attempts to increase any sales tax rebates. President Lee felt that additional revenues should be spent on infrastructure for growth management, and therefore held tax rebates and refunds to a minimum. The House passed the Convention Center Sales Tax Refund bill, HB 173, but also attached to it tax rebates for the Marlins, for spring training facilities, and for NASCAR. The Senate never took up the bill.

Record Retention Timeframes and Digital Imaging

This legislative priority, which required a reduction in the time periods that records must be retained or enhances the digital imaging options for the City's recordkeeping, was determined by staff to be unnecessary at this time. Staff felt there was adequate statutory authority to accomplish this goal. Therefore, there was no action needed by the lobbying team.

Executive Session

This request was to allow an assistant city manager or a department director to attend executive sessions held in private with the City's attorney to discuss pending litigation. The lobbying team worked with Rep. Gelber on this



City of Miami Beach
Final Legislative Report – May 17, 2005
Page Three

issue, and with the First Amendment Coalition, which opposed this language. We were unable to accomplish this legislative priority.

Convention Development Tax

This legislative request was to expand the eligible uses of the two-thirds portion of the revenues collected from the convention development tax to include golf courses. This was accomplished in a tax administration bill, HB 1813, which was amended to contain this language.

Article V

HB 1935 passed as an Article V glitch bill. Directions given to lobbyists in regard to this legislation were to support changes that clarified costs that are to be paid by the City and support changes that reduce the City's overall costs. In that regard, the following changes were made.

Section 27.54, F.S., was amended to clarify that in local ordinance violation cases, a municipality shall pay for due process services that are approved by the court, including deposition costs, deposition transcript costs, investigative costs, witness fees, expert witness costs, and interpreter costs. The person charged with this violation shall be assessed a fee for the services of a public defender and other costs and fees paid by the municipality. The court is to determine the amount of the obligation, and the municipality may recover the assessed fee through court or otherwise permitted by law, and any fees recovered pursuant to this section shall be forwarded to the applicable municipality.

Section 28.2402, F.S., is amended to read, "A municipality is not required to pay more than one filing fee for a single filing against a single defendant that contains multiple alleged violations. A filing fee other than that imposed under this section of the law may not be assessed for initiating an enforcement proceeding in circuit court for a violation of a municipal code or ordinance or a violation of special law. However, that filing fee shall not apply to instances in which a municipality has contracted with the state or has been delegated by the state responsibility for enforcing state operations, policies or requirements under s. 125.69, 166.0415 or chapter 162, F.S."

Section 34.045, F.S., is amended to read that a municipality is not required to pay more than one filing fee for a single filing against a single defendant that contains multiple alleged violations. This is in regard to the use of a county court for ordinance or special law violations. The filing fee, other than that imposed under this section, may not be assessed for initiating an enforcement proceeding in county court for a violation of a county or municipal code or ordinance or a violation of a special law. The filing fee shall not apply to instances in which a municipality has contracted with the state or has been delegated by the state responsibility for enforcing state operations, policies or requirements under s. 125.69, 166.0415, or chapter 162, F.S. Further, if a person does not contest the violation in court, or if the municipality is a prevailing party, the court shall assess the person or the non-prevailing party \$10 for the filing fee, which shall be forwarded to the municipality.

Finally, s. 318.121, F.S., dealing with the preemption of additional fees, fines, surcharges and costs, is amended to prohibit the addition of surcharges assessed under s. 318.18(11) and (13), F.S., may not be added to civil traffic penalties.

Easements and Rights of Way

This priority request was to allow municipalities to sell easements and rights of way at fair market value if the municipality determined that the easement or right of way is no longer needed and is vacant and in the public interest. Due to the complexities of the issue and time constraints, a legal fix was not forthcoming this Session.

Hurricane-Related Legislation

HB 677 and SB 526, which would have established an Electric Utility Task Force to examine multiple post-hurricane issues, including the undergrounding of utilities, did not pass this Session.

City of Miami Beach
Final Legislative Report – May 17, 2005
Page Four

SB 1486 by Sen. Garcia passed this Session. It is the major property insurance bill, with numerous post-hurricane related issues. The bill provides assistance for both insurance companies and residential homeowners.

The bill reworks the amount of funds an insurer is able to collect from the Hurricane Catastrophe Fund for multiple covered events during a contract year, beginning June 1, 2005.

The bill directs the Department of Community Affairs to develop a low-interest loan program for homeowners to retrofit their homes with fixtures or apply construction techniques that have been demonstrated to reduce the amount of damage or loss due to a hurricane. This is to be done by the 2006-07 Fiscal Year through funding in the Hurricane Loss Mitigation Program.

The bill directs the Department of Insurance to establish a standard rating territory plan, which would allow property owners to compare premiums based on the territory in which they live. The plan is to be submitted to the legislature by January 15, 2006.

The Florida Commission on Hurricane Loss Projection Methodology is directed to make available to the Office of the Insurance Commissioner and the Insurance Consumer Advocate, access to all of the assumptions and factors that are used in developing the actuarial methods, principles, standards, models, or output ranges used in rate proceedings and arbitration. The bill further reduces the threshold from twenty-five percent to fifteen percent when a rate filing request based on a computer model must be subject to a public hearing.

The bill establishes a pilot program in Monroe County to study the competition for providing residential property insurance in that county for purposes of determining the rates for Citizens Property Insurance. The report is to be made by March 1, 2006.

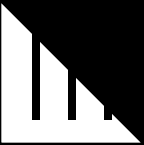
Property and casualty insurers are required to offer a checklist of policy contents, written in a simple format, to allow consumers to better understand the benefits and coverages provided in the policy.

Property insurers are prohibited from canceling or failing to renew personal residential or commercial residential property insurance covering a dwelling which has any damage as a result of a hurricane or wind loss that is a subject of a declaration of emergency for ninety days after the dwelling has been repaired, and the bill defines "repaired". There are exceptions made for non-payment of premium.

After October 1, 2005, residential property insurance offerings or renewals must provide the policyholder with the option of a hurricane deductible that applies on an annual basis or that applies to each hurricane.

Tort Reform

The only bill of interest to the City which passed is HB 135, relating to liability for streetlight providers. The bill provides definitions, including "certain security or area lights" within the definition of the term "streetlights". "Streetlight provider" is defined as "any state agency or political subdivision or any public utility". The bill states that "a streetlight provider is not liable and may not be held liable for any civil damages for personal injury, wrongful death, or property damage effected or caused by the malfunction or failure of illumination of such streetlight, regardless of whether the malfunction or failure of illumination is alleged or demonstrated to have contributed in any manner to the personal injury, wrongful death, or property damage, unless the provider failed to comply with certain provisions..." set out in the bill. The provider is required to disclose its designated procedures for providing actual notices of inoperative or malfunctioning streetlights to its customers through annual inserts in a customer's bill. The provider must repair any inoperative or malfunctioning streetlight within sixty days after receiving actual notice of malfunction. Accommodations are made for streetlights that can not be repaired within the sixty day period.



City of Miami Beach
Final Legislative Report – May 17, 2005
Page Five

During a state of emergency declared by federal, state or local authorities, the time periods are extended for repair. The provider's noncompliance with the provisions created in the bill do not create a presumption of negligence on the part of the provider in any civil action for damages.

Community Redevelopment Agencies

The firefighter CRA bill, SB 2080, which was filed on behalf of the firefighters in Miami Beach, was not heard during this Session.

Telecommunications Issues

SB 620, Cellphone Tower Siting, passed this Session. This is a follow-up to legislation which was passed two years ago. It encourages the collocation of wireless antennas; it sets out definitions and procedures that local governments need to follow when regulating the placement, construction or modification of wireless communication facilities; and it sets out a timetable for denying or granting properly completed applications; it allows a local government to impose an application fee.

SB 1322, among other provisions, sets out guidelines for local governments that wish to provide telecommunication services for profit.

SB 2070, eliminates the tax on communication systems which has been in place for several years but not actively enforced by the Department of Revenue. Had this bill not passed, such items as the City's interoffice communications systems could have been subject to tax.

Beach Safety

HB 1375 passed this Session. This bill, which regulates the warning system established by the Department of Environmental Protection (DEP), was amended by the lobbying team, in cooperation with the department, to include clarifying language proposed by the City's legal department. The new language stipulates that only warning and safety flags developed by DEP shall be displayed. Participation in the program is open to any government having jurisdiction over a public beach along the coast, whether or not the beach has lifeguards.

Due to the recommendations provided by the City's legal department and pursued by the lobbying team, the liability language is greatly strengthened in the bill. It now reads, "Due to the inherent danger of constantly changing surf and other naturally occurring conditions along Florida's coast, the state, state agencies, local and regional government entities or authorities and their individual employees and agents shall not be held liable for any injury or loss of life caused by changing surf and other naturally occurring conditions along coastal areas, whether or not uniform warning and safety flags or notification signs developed by the department are displayed or posted." If signed by the Governor, the bill becomes effective July 1, 2005.

Claims Bill

The Tunc claims bills, SB 34 and HB 731, which dealt with the City of Miami Beach's liability for the loss of life of one Tunc sister and injury to another when a City policy officer ran over them on the beach several years ago, did not pass this Legislative Session. The bill was heard in two committees in the House, but the Senate did not consider any claims bill this Session.

Taxes

HB 6001, Hurricane Sales Tax Holiday, passed and provides for sales tax relief between June 1, 2005 through June 12, 2005 for certain items purchased in preparation of hurricane season. These items include flashlights selling for \$20 or less, radios selling for \$50 or less, waterproof sheeting and tarpaulin selling for \$50 or less, first aid kits selling for \$30 or less, tie-kits and ground anchoring systems selling for \$50 or less, gas or diesel fuel tanks selling for \$25 or less, batteries selling for \$30 or less, non-electric food storage coolers selling for \$30 or less, portable generators selling for \$750 or less.

City of Miami Beach
Final Legislative Report – May 17, 2005
Page Six

SB 300 passed, which repeals Section 11 of Chapter 200-312, Laws of Florida. It abrogates the repeal of numerous sections of Florida law which would have been repealed effective October 1, 2005 unless reenacted by the Legislature. During the 2000 Regular Session, a number of bills were amended onto HB 509, which passed the Legislature. One of the bills contained a repealer which was not limited in scope. Among provisions it would have repealed is the tourist development tax and the RISE program, which are very important to the City.

Growth Management

SB 360, a major growth management reform bill, passed. The bill requires local governments to maintain a five-year schedule of financially feasible capital improvements.

Within eighteen months after the water management district updates its regional water supply plan, the local governments must incorporate alternative water supply projects in their comp plans.

Each county and each municipality within the county must adopt a public school facility element that is consistent with those adopted by the other local governments within the county and enter into an interlocal agreement. The public school facility element shall be adopted no later than December 1, 2008.

The bill encourages local governments to develop community visioning that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. The bill sets out topics which must be included in the visioning meetings.

Local governments are further encouraged to designate an urban service boundary. This boundary area must be appropriate for compact contiguous urban development within a ten-year planning timeframe.

The bill specifies that prior to approval of a building permit, a local government must determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy. Transportation facilities needed to serve a new development shall be in place or under actual construction within three years after the local government approves the building permit. Transportation concurrency exception areas which are in existence prior to July 1, 2005 must meet new provisions by July 1, 2006.

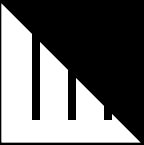
Local governments that have adopted a community visioning and an urban service boundary as set out by the legislation may adopt a plan amendment without state and regional agency review.

The bill requires the Office of Program Policy Analysis and Government Accountability to perform a study on adjustments to the boundaries of Florida Regional Planning Councils, Florida Water Management Districts, and Department of Transportation Districts. The study is to be completed by December 31, 2005.

The bill establishes a Century Commission for a Sustainable Florida as a standing body to help the citizens of the state envision and plan a collective future for both a twenty-five and a fifty-year horizon. Annually, beginning with the 2007 Regular Session, the Legislature will create a Joint Select Committee to consider the work done by the Century Commission.

The bill establishes a Transportation Regional Incentive Program within the Department of Transportation to provide funds to improve regionally significant transportation facilities. Funds which would require a fifty percent match are to be allocated to each of the transportation districts based on a factor derived from equal parts population and motor fuel collections for eligible counties in regional transportation areas. The bill sets out criteria for the funding of projects.

The bill allocates \$41.75 million to fund the Classroom for Kids Program. \$30 million of those funds are appropriated for expenditures to fund the High Growth County District Capital Outlay Assistance Grant Program.



City of Miami Beach
Final Legislative Report – May 17, 2005
Page Seven

Doc stamp revenue is designated in the amount of \$541.75 million each fiscal year to the State Transportation Trust Fund to be paid in quarterly installments to be used for capital funding for the New Starts Transit Program authorized by Title 49, U.S.C. 5309, and for the Strategic Intermodal System.

\$100 million from doc stamps is to be deposited into the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection for the development of alternative water supplies as described above in SB 444.

\$3.25 million is allocated to the Department of Community Affairs to be used to fund technical assistance to local governments and school boards to implement the provisions of the bill.

The bill establishes a School Concurrency Task Force to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The Task Force is to report by December 1, 2005.

The bill further establishes the Florida Impact Fee Review Task Force. The Task Force is to investigate whether the imposition of impact fees by local governments should be regulated by law and is to report their findings by February 1, 2006.

Section 37 of the bill sets out criteria for receiving funds from the High Growth County District Capital Outlay Assistance Grant Program, which includes among other provisions that the school district must have levied the full two mills of non-voted discretionary capital outlay millage for each of the past four fiscal years.

If passed by the Governor, the bill becomes effective July 1, 2005. The bill will probably be signed by the Governor, as it was a product of the House, Senate and Governor's Office.

SB 926, which dealt with Annexation, died. It was not favored by local governments.

SB 232 and HB 1173, which would have restricted the ability of local governments to impose impact fees, died.

Working Waterfronts

HB 955, relating to Waterfront Property, passed. It requires that the future land use plan element of a local comprehensive plan for a coastal county include criteria to encourage the preservation of recreational and commercial working waterfronts. The bill establishes a Waterfronts Florida Program within the Department of Community Affairs to provide technical assistance and support to communities in revitalizing waterfront areas.

The bill further directs the Department of Environmental Protection (DEP) and the water management districts to adopt programs to expedite the processing of wetlands resource and environmental resource permits for marina projects that reserve at least ten percent of available boat slips for public use.

The bill amends s. 328.72, F.S., relating to fees on boating registration. It directs that \$1 of this fee shall be remitted to the Marine Resources Conservation Trust Fund for use to fund a grant program for public launching facilities, giving priority consideration to counties with more than 35,000 registered vessels. Further, counties that demonstrate through an annual detailed accounting report of vessel registration revenues that at least \$1 of the registration fees were spent on boating infrastructure shall only be required to transfer the first \$1 of the fees to the Save the Manatees Trust Fund. The report must be submitted to the Fish and Wildlife Conservation Commission no later than November 1 of each year, and then the Commission is to report to the Department of Revenue by December 15 each year for qualifying counties. The bill creates s. 197.303, F.S., Ad Valorem Tax Deferral for Recreational and Commercial Working Waterfront Properties. It stipulates the Board of County Commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow for ad valorem tax

City of Miami Beach
Final Legislative Report – May 17, 2005
Page Eight

deferrals for recreational and commercial working waterfront properties, if the owners are engaging in the operation, rehabilitation, or renovation of such properties in accordance with guidelines established in the bill.

The bill also picked up an amendment to s. 380.06, F.S., Developments of Regional Impact, which exempts from DRI the establishment, relocation, or expansion of any military installation. Once signed by the Governor, the act takes effect January 1, 2006.

Fire Hydrants

SB 748 and HB 267, which would have required owners of private fire hydrants to have them inspected, did not pass.

Construction Services Prompt Pay

HB 509, which revises provisions for timely payment of purchases of construction services by local governments, passed. The bill amends s. 218.70, F.S.. Among its provisions, is expanding the definition of vendors to include waste hauling services. The new language requires that each contract for construction services must provide a list of items required to render complete, satisfactory and acceptable the construction services purchased by the local government. The contract must specify the process for the development of the list, including responsibilities of the local government entity and the contractor in developing and reviewing the list and a reasonable time for developing the list.

The bill stipulates that upon completion of all the items on the list, the contractor may submit a payment request for all remaining retainage withheld by the local government. If a good faith dispute exists as to whether one or more items on the list have been completed, the local government may continue to withhold an amount not to exceed 150% of the total cost to complete each item in dispute.

The bill sets out penalties for both the local government and the contractor for failure to complete the list. The bill also sets out guidelines for retainage when fifty percent of a project is completed.

The bill makes exceptions for construction services purchased by a local government entity which are paid for in whole or in part with federal funds and for projects purchased for a contract worth less than \$200,000.

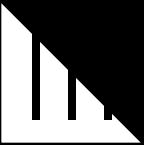
The bill creates s. 255.076, F.S., regarding awarding of court costs and attorneys fees. In regard to amounts due for construction services purchased by public utilities, the court shall award court costs and reasonable attorneys fees, including fees incurred through any appeal to the prevailing party.

Entertainment

HB 1129 passed. This is a glitch bill for the Financial Incentive Program created for the entertainment industry within the Office of Film & Entertainment in the Governor's Office. The bill broadens the definition of what constitutes the entertainment industry for purposes of this grant program and adds definitions for production costs and qualified expenditures and qualified productions for purposes of the grant program. The bill clarifies the reimbursement eligibility and recommendations for payment provisions, and the eligibility for funding is changed from first-come, first-served to a more defined process for the application period. The bill was reviewed by Graham Winick, the City's Film Commissioner, who was in favor of the changes to the grant program.

HB 873 and SB 750, which would have deregulated talent agents, did not pass.

The lobbying team worked with sponsors of the Cosmetology bills, SB 828 and HB 789, to include an exemption from the provisions of the Florida Cosmetology Law for persons working with professional models in photography shoots. However, these bills were not heard.



City of Miami Beach
Final Legislative Report – May 17, 2005
Page Nine

Distribution of Handbills in Public Lodging Establishments

SB 1454, entitled the Tourist Safety Act of 2005, passed. This bill would prohibit the distribution of handbills as defined in the bill in any public lodging establishment without explicit permission of the establishment owner. Violation is a misdemeanor of the first degree. Public lodging establishments are required to post signs which indicate no advertising or soliciting is permitted on the premises.

Education

SB 1678, entitled Public School Class Size, passed. This bill amends s. 1003.03, F.S., related to maximum class size. It provides that beginning in the 2005-06 school year, a district that does not meet the required average class size reduction in a prior year, and which has funds transferred from the district's class size reduction operating fund to an approved capital outlay fund, to be eligible to reverse that transfer, if the district fully achieves the required class size reduction in the subsequent year. The bill further clarifies the calculation to determine whether a school district is in compliance with the average class size requirement.

Appropriations

City of Miami Beach Stormwater Infrastructure Improvement Project - \$400,000

City of Miami Beach Wastewater Project – not funded for any large city with wastewater projects

City of Miami Beach After-School Program - \$100,000

Cultural Facilities Grants:

- Byron Carlisle Theater - \$500,000
- Collins Campus Rotunda Restoration - \$400,000

Beach Renourishment - \$5.5 million for a test beach project within the City of Miami Beach

FRDP:

- Normandy Isle Park - \$200,000
- Muss Park Renovation - \$80,000

Colony Theater - \$139,239 in the DMS Budget for professional services required to complete the renovation

Other Items of Interest in the 2005-06 Budget:

Domestic Security:

- Urban Area Security Initiative, statewide - \$30.9 million
- Miami Tri-County Rail Commuter and Miami-Dade Transit Authority - \$1.8 million
- Miami-Dade Transit Authority (Miami Interactive Bus) - \$600,000
- Equipment and Training for Urban Search & Rescue & Hazard Materials Teams – Statewide \$1.1 million
- Urban & Rescue/Hazard Materials Training – Statewide \$3.6 million
- Regional Data Sharing Projects – Region 7, Miami \$3 million

Education – the DCD formula, altered during the 2004 Session, remains in place. However, Miami-Dade received an additional \$114 million for 2005-06.

Film & Entertainment Industry Incentive Program - \$10 million

State Housing Initiative Partnership (SHIP) Program - \$130,886,000

HB 1889 passed, and it caps the amount of distribution into various trust funds from documentary stamps. \$136 million is the cap placed annually on the State Housing Trust Fund, or SHIP. However, beginning July 1, 2008, the amount is to be increased by ten percent annually. Provisions are also made in the bill to accommodate the recommendations of the Affordable Housing Task Force, conducted by Lt. Governor Toni Jennings for the hurricane-affected counties.

It has been our pleasure to serve the City of Miami Beach in this capacity. We look forward to continuing to work with the City during the interim in preparation for the 2006 Legislative Session.

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

2005 JUN 20 PM 4:38
CMB
HONORABLE CLERKS DEPT.

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
LORENA A. HOLLEY
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

MEMORANDUM

TO: Mayor David Dermer
City Commissioners and City Manager Gonzalez
City of Miami Beach

VIA: E-mail to Kevin Crowder (hard copy to follow)

FROM: Gary Rutledge
Fausto Gomez
Bob Levy
Margie Menduni
Manny Reyes
Mary Snow

DATE: June 16, 2005

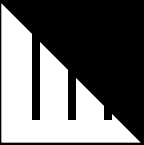
SUBJ: Legislative Report, June, 2005

POLITICAL ISSUES

While Governor Jeb Bush is busy with post-Session activities, those seeking to replace him in 2006 are actively campaigning and fundraising. Candidates who have officially announced include Republicans Charlie Crist, Florida Attorney General, and Tom Gallagher, Chief Financial Officer, and Democrats U.S. Congressman Jim Davis, State Senator Rod Smith, and Scott Maddox, former Chairman of the Florida Democratic Party and former candidate for state Attorney General. Jim Davis recently received former Governor and U.S. Senator Bob Graham's endorsement

With Gallagher and Crist running for Governor, two Cabinet seats will be open, and the campaigns to replace Chief Financial Officer and Attorney General are competitive. Significant candidates for the CFO position are Republicans State Senator Charlie Clary, and State Representatives Randy Johnson and Dennis Ross. Running for Attorney General are Republican State Senator Burt Saunders, and Republican State Representatives Joe Negrón and Everett Rice.

Meanwhile in Washington, races for Florida Senate and Congressional seats are also becoming interesting. Congresswoman Katherine Harris, former Secretary of State during the controversial 2000 Presidential election in Florida, announced that she will oppose U.S. Senator Bill Nelson. Democratic State Senator Ron Klein has been working the Washington scene to draw support for his challenge to Florida Congressman Clay Shaw, who recently had a relapse of lung cancer. Candidates are starting to line up to fill Jim Davis's open District 11 Congressional seat. They include Democratic State Senator Les Miller and Hillsborough County Commissioner Kathy Castor, daughter of Betty Castor, who ran against Mel Martinez for the U.S. Senate seat vacated by retiring Senator Bob Graham.



City of Miami Beach
Legislative Report – June, 2005
Page Two

LEGISLATIVE FOLLOW-UP

The following is a summary of actions by the Governor on bills of interest to the City of Miami Beach from the 2005 Legislative Session.

SB 1784, Consultants Competitive Negotiations Act. This bill, which revises certain definitions and provides additional criteria for processing bids to purchase professional services which exceed a certain threshold, was approved by the Governor and becomes effective July 1, 2005.

HB 1813, Tax Administration. This general tax administration bill, which is the Department of Revenue package, contains language which expands the eligible uses of the two-thirds portion of the revenues collected from the Convention Development Tax to include golf courses. The bill has gone to the Governor, and his action date is June 29.

HB 1935, Article V Glitch Bill. This extensive glitch bill provides some avenues for the City to reduce its overall costs for local ordinance violations. The bill was approved by the Governor and becomes effective July 1, 2005.

SB 1486, Property Insurance. This major property insurance bill with numerous post-hurricane issues was approved by the Governor and became effective June 1, 2005.

HB 135, Street Lights. This bill, which restricts the liability of street light providers for injury, wrongful death or property damage unless the provider failed to comply with certain provisions, has gone to the Governor, and his action date is June 29.

SB 620, Cell Phone Tower Siting. This bill sets out procedures for local governments when regulating the placement or modification of wireless communication facilities. It is a glitch bill to major legislation which was passed two years ago. The bill was signed by the Governor and becomes effective July 1, 2005.

SB 1322, Regulation of Communications. This bill sets out guidelines for local governments wishing to provide telecommunication services for profit. The bill was signed by the Governor and became effective June 2, 2005.

SB 2070, Tax on Substitute Communication Systems, eliminates the tax on substitute communication systems. The bill was signed by the Governor and becomes July 1, 2005.

HB 1395, Beach Safety. This bill regulates the warning flag system established by the Department of Environmental Protection and further sets out the limits of liability for local governments in regard to swimmers in coastal waters. The bill was signed by the Governor and becomes effective July 1, 2005.

HB 6001, Sales Tax Hurricane Preparedness. This bill, which provided sales tax relief between June 1 and June 12, 2005 for certain items purchased in preparation for hurricane season, was signed by the Governor and became effective May 23, 2005. Initial reports indicated the holiday was successful.

SB 300, General Taxation. This bill was a glitch bill to abrogate the repeal of numerous sections of Florida law which were inadvertently due to expire as a result of legislation passed during the 2000 Regular Session. The bill was important to the City of Miami Beach for numerous provisions, including the Tourist Development Tax and the RISE program. The bill was signed by the Governor and becomes effective July 1, 2005.

SB 360, Growth Management. This major revision of the state's growth management laws has not been presented to the Governor yet.

City of Miami Beach
Legislative Report – June, 2005
Page Three

HB 955, Working Waterfronts. This bill, which encourages the preservation of recreational and commercial working waterfronts, was signed by the Governor and becomes effective January 1, 2006.

HB 509, Construction Services Prompt Pay. The bill, which was opposed by the City, revises provisions for timely payment of purchases of construction services by local governments. The bill was signed by the Governor and becomes effective October 1, 2005.

HB 1129, Entertainment. This is a glitch bill for the Entertainment Financial Incentive Program created several years ago to encourage the development of the film and entertainment industry in Florida. The bill was signed by the Governor and becomes effective July 1, 2005.

SB 1454, Tourist Safety Act. The bill prohibits the distribution of handbills in public lodging establishments without explicit permission of the establishment owner. The bill was signed by the Governor and becomes effective July 1, 2005.

SB 1678, Public School Class Size. This bill, which would have allowed a school district which did not meet the required average class size reduction in a prior year to have funds transferred from the district's class size reduction operating fund to an approved capital outlay fund in the following year. The bill was vetoed by the Governor on June 15, 2005. In his veto message, the Governor notes, "School districts seeking relief from having a portion of their class size reduction operating dollars transferred to a capital outlay fund are simply avoiding and delaying the inevitable." The Governor further states that those districts which fail to reduce class sizes as directed by law will face some difficult options beginning in the 2006-07 school year.

The Governor vetoed Miami Beach's After-School Program appropriation for \$100,000 because it had not been through any screening process. We have provided the City staff with an example of an after-school program which was not vetoed by the Governor, hoping that we might learn from that appropriation.

OTHER ISSUES OF INTEREST TO THE CITY

Grants

The lobby team has forwarded to City staff information regarding two grant programs, i.e. the Drug Prevention Grant Program and the FRDAP Grant Program for parks.

Rules

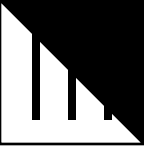
The lobby team has forwarded to City staff changes to rules relating to coastal armoring.

Entertainment

The lobby team worked with the Governor to maintain the Office of the State Film and Entertainment Commissioner in Tallahassee under the Governor's Office. There was a recent threat of moving the position to Orlando under the auspices of Universal Studios.

Castle Beach Condominium

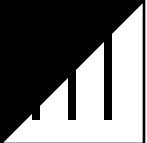
Staff has kept the lobby team abreast of issues related to the closure of the Castle Beach Condominium, particularly Rep. Robaina's inquiries and concerns. The lobby team will continue to stay abreast of this activity and be of assistance to staff as needed.



City of Miami Beach
Legislative Report – June, 2005
Page Four

LEGISLATIVE CALENDAR

September 12 – 16, 2005	Interim Committee Meetings
October 10 – 14, 2005	Interim Committee Meetings
November 7 – 10, 2005	Interim Committee Meetings - <i>(Friday, Nov. 11 is a Holiday)</i>
December 5 – 9, 2005	Interim Committee Meetings
January 9 – 13, 2006	Interim Committee Meetings
January 23 – 27, 2006	Interim Committee Meetings
February 6 – 10, 2006	Interim Committee Meetings
February 13 – 17, 2006	Interim Committee Meetings
February 20 – 24, 2006	Interim Committee Meetings
March 7, 2006	Opening Day of Regular Session
May 5, 2006	Last Day of Regular Session - (Sine Die)



THIS PAGE INTENTIONALLY LEFT BLANK